



Posted: Friday, November 06, 2020

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
TUESDAY, NOVEMBER 10, 2020, at 6:00 PM

**THIS MEETING WILL BE HELD VIA WEBEX VIDEOCONFERENCE
CLOSED SESSION WILL BEGIN AT 5:30PM**

In accordance with Executive Order N-29-20 this meeting will be held via videoconference, and will be hosted on the **Cisco Webex Platform**. Learn more about Webex here: <https://www.webex.com/>

PUBLIC COMMENT: Public comment may be submitted via email in advance of the meeting, or in an orderly process during the conference. If you do not have access to email and you would like to provide a written statement, please deliver your comment to 409 Trinity Street, Trinidad CA, by 2:00pm on the meeting day.

Email public comments to cityclerk@trinidad.ca.gov Your comments will be included in the public record for the meeting, and will be accepted at any time during the meeting.

HOW TO PARTICIPATE: The City will publish a direct link to the conference, along with the participant code, on the City Calendar page online at <http://trinidad.ca.gov/calendar>

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION – Begins at 5:30PM

1. Pursuant to Government Code, Section 54957: Continued City Manager Performance Evaluation

IV. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT

V. APPROVAL OF AGENDA

VI. APPROVAL OF MINUTES – 09-08-2020 cc (v2), 09-22-2020 G2G

VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

VIII. STAFF REPORTS – City Manager & Law Enforcement

IX. ITEMS FROM THE FLOOR

At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.

X. CONSENT AGENDA

All matters on the Consent Agenda are considered routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is requested by any Council member, that item is removed from the Consent Calendar and considered separately. A single opportunity for public comment on the Consent Agenda is available to the public.

1. Staff Activity Report – October 2020
2. Financial Statements – September 2020
3. Law Enforcement Report – October 2020
4. Second Reading of Ordinance 2020-02; Amending Section 3.20.100 Regarding Transient Occupancy Tax Recordkeeping
5. Discussion/Decision regarding SB2 Housing/Planning Grant – SHN Scope of Work.

IX. DISCUSSION/ACTION AGENDA ITEMS

1. Update/Presentation from the Greater Trinidad Chamber of Commerce
2. Discussion/Decision regarding Alleged Brown Act Violation Letter Sent by the Trinidad Rancheria.
3. Discussion/Decision regarding Appeal of CDP 2020-01; Planning Commission Approval to Temporarily Close the Van Wycke Trail.
4. Discussion/Decision regarding Proposition 68 Coastal Resilience Planning Grant.
5. Annual Unmet Transit Needs Hearing.

XI. FUTURE AGENDA ITEMS

APPROVAL OF MINUTES FOR:

SEPTEMBER 08, 2020 CC v2

SEPTEMBER 22, 2020 G2G w/Yurok Tribe

OCTOBER 13, 2020 CC
(will be presented for review at the
December regular meeting)

Supporting Documentation follows with:

10 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, SEPTEMBER 08, 2020

I. CALL TO ORDER

Mayor Ladwig called the Webex virtual meeting to order at 4:30pm. Council members in attendance: Ladwig, Clompus, West, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner, Trevor Parker. Approximately 32 people were participating.

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION – Closed session will begin at the close of the open session.

Ladwig reported from the August closed session that the Council held a very inclusive and productive evaluation regarding the operation of the City.

IV. APPROVAL OF THE AGENDA

Clompus requested to pull the water usage report from the staff report for discussion.

Davies requested pulling the ASBS item from Consent for discussion.

Clompus explained that he reviewed the Water Usage and Loss report, and calculated a retail rate of the water reported as being lost. What is the City doing about this? I'm available to help however I can.

City Engineer Steve Allen explained that the City's water loss is higher than average, and there are opportunities to reduce leakage in the system that the Public Work's Department performs on a regular basis. We also are always looking for grant funding to help the City identify and replace problem areas. City Manager Naffah noted that the City is working on a capital improvement plan that may help the City identify grant programs or funding sources to help repair aging water line sections and meters. We will utilize the Grant Administrator to find grants, the Water Department to determine costs, and the City Manager to coordinate the efforts.

Jacque Hostler-Carmeson – Trinidad Rancheria

The Rancheria has offered partnership on water system issues, and has done this successfully in the past. If the desire to work with the Rancheria is there, we are capable of applying for grants that can help the City.

*Motion (Grover/Clompus) to approve the agenda as amended. **Passed unanimously.***

V. WORKSHOP SESSION

1. Van Wycke Trail, Big Picture Workshop (4:30-5:45pm)

This discussion is being held for sharing information and ideas regarding the separate, but inter-related project tracks involving the Van Wycke Street right-of-way including utility stabilization and pedestrian connectivity to the beach and harbor area of town. There will be no Council action during this discussion, but the aim is to share information and ideas that will lead to a productive discussion later on in the more formal session of the meeting, specifically Discussion Agenda Item 1.

City Planner Trevor Parker gave a brief background on the project and summarized the issues that need to be addressed. City Engineer Steve Allen explained the proposed solutions, the limited funding options, and past design options, phases, and re-designs.

Public comments/questions included:

Dwight Miller – Trinidad

In 2012 the Council actively looked into options and provided direction to Staff. Insufficient attention has been given to the displacement of the Tsurai people. However, all people in 2020 should plan to move forward in sharing the coast as the Coastal Commission wishes. Abandoning the trail leaves only one path to the beach along a busy roadway. The City should consider establishing the Van Wycke trail as a Tsurai Memorial trail. I had not heard of cultural resources along the slumping area of the Van Wycke trail until recently.

Margaret Stofsky – NAACP Volunteer

If this was a Catholic or Methodist cemetery, would this discussion be occurring? If there will be no decision during this workshop, will there be a decision tonight during the 6pm session. Ladwig confirmed that there will be no decision made about this part of the project tonight.

Bryce Kenny – Trinidad

I'm a trail advocate. I don't need anything fancy. A berm was placed along Edwards Street to reduce stormwater runoff. If we removed the asphalt at the top of the road, we might not need an I-beam utility bridge to hold the stormwater drain. I'd like to see a volunteer team to make the trail usable. No permits would be needed from the Coastal Commission that way.

Anita Thompson - Trinidad

What is the status and timeline for the emergency bypass water line?

City Engineer Steve Allen explained that the design has started, but construction details are being pursued.

Cheryl Kelly – Trinidad

The grant makes sense. Could we look into a scenario where the City goes out to bid with minimally invasive, practical solution? We want to keep the trail open without a big retaining wall.

Richard Bruce – Trinidad

I support keeping the trail open, keeping pedestrians off Edwards as much as possible, and prefer a minor, non-intrusive option. I want to hear more about pedestrian bridge options. Would it make sense to install concrete footings and a second I-beam in case the City later decides to go that route. Suggest not removing the retaining wall on the slumping section of Van Wycke.

Neal Steinberg – Trinidad

Keep the drain in place, please. It keeps water off my property during rainstorms.

Joseph James – Yurok Tribal Chairman

I'm a bike and trail fan, but it is important to protect cultural resources in that area and am here tonight to speak on behalf of the Tribe. I'm also looking forward to our Government-to-Government meeting in the near future.

Rosie Clayburn – Yurok Tribe

Our priority is protecting our resources. We sent a detailed letter to the City back in January, and our position still stands.

City Engineer Steve Allen explained that the visual and structural issues made the full pedestrian bridge/walkway unfeasible. Also, removing the storm drain will not be effective. The City has to deliver change-of-scope right away in order to move ahead and be able to deliver the project within the allotted timeframe.

Mayor Ladwig encouraged the public to print out the document that the City Planner produced for tonight's meeting that lays out the four main issues (or tracks) that we're faced with. The City will pursue grant funding for the Connectivity Project as we're at the end of the timeline.

Workshop concluded at 5:50pm. The Regular meeting convened at 6:00pm.

VI. APPROVAL OF MINUTES – 08-11-2020 cc minutes will be approved at the October 13 meeting.

VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

Grover: Attended RCEA meeting. Looking forward to attending the offshore wind webinar next week. Candidate for the Council seat on the November election.

Clompus: No report.

Davies: Trails Committee will meet on September 21 to discuss the Trails Policy.

Ladwig: I did not attend any meetings due to quorum issues. Public Works painted the south curb along Edwards Street red and spoke with the Sheriff about congestion and overnight parking on Edwards.

West: HCAOG continued discussion regarding Last Chance Grade. Environmental review process should be complete in 2026.

VIII. STAFF REPORTS – City Manager & Law Enforcement

City Manager Eli Naffah noted the highlights listed in the packet report and noted the League of Cities conference that will be held in October via webinar.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Anita Thompson – Trinidad

Is there a City ordinance regarding overnight parking? Ladwig noted that it is a well-documented County Ordinance. We need signage.

Sheri Provolt – Yurok Tribal Council

Thanked the Council for the pre-meeting workshop. It is a great starting point.

Sarah Lindgren-Akana – Tsurai Ancestral Society

Will the Gov2Gov meeting scheduled with the Yurok Tribe including the Van Wycke Trail?

Dorothy Cox – Trinidad

Address the ugliness that occurred with people sleeping in vehicles all throughout town, and parties/mayhem everywhere, including launcher beach. What was our police coverage like that night?

X. CONSENT AGENDA

1. Staff Activity Report – August 2020
2. Financial Statements – July 2020
3. Law Enforcement Report – August 2020
4. November General Election Update & Candidate Nominees
5. ASBS Storm Water Project Update

*Motion (Clompus/Grover) to approve the consent agenda as written. **Passed unanimously.***

X. DISCUSSION/ACTION AGENDA ITEMS

1. Continued Discussion/Decision regarding Van Wycke Trail Connectivity Project Revised Design Concept.
City Engineer Steve Allen explained that the revised design is based on feedback from the public and direction from the Council to exclude the retaining wall trail repair from the project. The connectivity project is now being routed down Edwards and Galindo, now including a sidewalk, curb, and gutter along Edwards. There will still be parking on the North side, along with a bike lane as indicated in the draft concept plans included in the meeting packet. A high-visibility crosswalk at Hector is also included, along with other safety markings along the roadway to make walking and crossing the street easier. Vista Points are also included.

City Manager Naffah explained that he did not want to lose the grant opportunity of investing nearly \$700,000 worth of safety enhancements into the City. After a second project extension, we are at risk of losing funding if we don't submit a revised concept. I also want to make sure that the Tribal entities and other sectors of our greater community are included in the process.

Council questions included:

Clompus: The new plan includes a sidewalk along Edwards. How will that impact the properties along the proposed construction area? Allen explained that there wasn't an abundance of landscaping in the city right-of-way, and the grant would help pay for driveway interfacing with the new City improvements.

Davies: What will the lane width be? I did not see stakeholder meeting notes in the packet as part of this discussion. We need to see those notes. Allen explained that an average lane width is 12.5 feet, and a traffic-calming lane width would be between 11-12 feet. An 11 ft. lane does not prohibit commercial traffic.

Public comment included:

Dick Bruce – Trinidad

Submitted written comments included in the meeting record. I support moving forward with the project as long as the trail isn't closed. Removing the existing retaining wall seems to be the first step in letting the trail slide. Adding vista points seem like another attempt to closing the trail. I avoid the busy corridor of Edwards Street by walking the Van Wycke trail route.

Meg Stofsky – NAACP Volunteer

Accused the City of not including complete documentation in the packet.

Steve Madrone – County Supervisor

Repairing Van Wycke trail can be done with very minor work and cost less than \$10,000 if you follow my plan. Move the 6" water line up to Edwards.

Sarah Lindgren-Akana – Tsurai Ancestral Society

There should be no decision until the City meets with the Yurok Tribe for a Government-to-Government meeting.

Council comments included:

Davies: I'm against removing the retaining wall. We should be considering the cumulative impacts with all these projects. I support improving the utility infrastructure, but it feels like we're scrambling to use this money. I don't support this project. All comments from many years of discussions should be included for public review. I see vista points, fencing, etc. to be ways of closing the trail.

West: I disagree with Davies, but I don't disagree that we should keep the trail. This is a great plan to make Edwards Street safer, and this project has a lot to offer. The fences protect cultural resources, and vista points will enhance the trail system. It is very important to get feedback from the Yurok and Tsurai.

Grover: The trail is very unsafe. It's time to direct Staff to change the project scope and keep it moving.

Clompus: The Connectivity project is separate from the trail. Moving people safely to the beach is necessary, and I'm supportive of the project with removal of the sticking point – the trail itself.

Ladwig: This design re-do removes the sticking point – the Van Wycke trail. We aren't committing to removing the trail forever, but for the sake of this project, it has been excluded from the list.

Public comment part II

Dick Bruce – Trinidad

As I mentioned in my comments, it looks like the City is removing the trail.

Ladwig: Please focus on the proposed scope change. There is no evidence to support that the City is quietly working to remove the Van Wycke trail.

Davies: Our job is to listen and say thank you very much.

Bryce Kenny – Trinidad

Remove the vista points.

Sarah Lindgren-Akana – Trinidad

The TAS has been on the record opposing the project. The City's memory is poor. There already is an alternate route to the beach that is safe. The less visual clutter the better. People visit Trinidad to experience nature. Clutter impacts cultural resources.

Neil Steinberg – Trinidad

I'm in favor of sidewalks. My sister is an amputee and sidewalks help her access places she normally couldn't. They also give a sense of separation between vehicles and pedestrians.

West: We should make it a high priority to compile all records documenting discussions of this project.

*Motion (Grover/West) to authorize staff to request a formal scope change from Caltrans and proceed with design and right of way tasks. **Passed 4-1. No-Davies.***

2. Discussion/Decision regarding Encroachment Permit for Trinidad Coastal Land Trust CCNM Disbursed Coastal Festival. **PULLED FROM THE AGENDA by the Trinidad Coastal Land Trust.** Director Carol Van Dermeer

read a statement explaining that the Land Trust will hold the event online instead of in person, due to concern from the public.

3. Discussion/Decision Regarding Resolution 2020-16: Declaring Drought Conditions and Implementing Water Conservation Measures as Defined by Trinidad Municipal Code Chapter 13.08 to Prevent or Mitigate an Emergency.

City Planner explained that the Planning Commission is working on a drought/water shortage contingency plan (WSCP) at the Council's request. The WSCP is still a work in progress, but the Trinidad area is currently experiencing drought conditions, and flows on Luffenholtz Creek are getting low. One of the central parts of the WSCP is the creation of increasingly severe drought or water shortage stages. Each stage has its own set of actions required by both the City and water customers. Although the plan is not yet in effect, some of the principles can be applied using tools the City already has.

Stage 0 represents a normal or above-normal water year.

Stage 1, or Water Shortage Alert Stage, is primarily based on below normal rainfall and the existence of drought conditions in the area (the exact criteria have not yet been set). Rainfall in Eureka is at less than 75% for the water year (Oct. 1 to Sept. 30), and the Trinidad area is classified as being in a moderate drought, with areas just to the north, south and east of the Humboldt coast classified as being in a severe drought (U.S. Drought Portal). Had the WSCP already been in place, this stage would have been enacted earlier in the year based on the low rainfall and drought conditions. Declaration of this stage is intended to trigger increased monitoring and reporting at the water plant, public outreach, voluntary conservation and water waste prohibitions.

Stage 2, or Water Shortage Warning Stage, is intended to be based on a particular low-flow on Luffenholtz Creek, although the most recent draft of the WSCP has not yet set this number. The City has now been measuring and recording flow on Luffenholtz just downstream of the water plant for three or four years, none of which have included drought conditions until now. Under the City's existing water right, the City is required to notify the CA Dept of Fish and Wildlife when the flow gets below 0.86 cubic feet per second (cfs). This may be a reasonable figure on which to base the enactment or declaration of Stage 2.

At their meeting of August 19, 2020, the Planning Commission made a recommendation to the City Council to declare a potential water shortage situation and to implement public outreach and water conservation measures. This was based on the fact that it is a below normal water year, and anecdotal observations that creek levels are getting low. In addition, the City's recent flow measurements indicate that Luffenholtz flows may be at or near 0.86 cfs. However, flow measurements are taken below the City's water plant to ensure required bypass flows are being met, but the 0.86 criteria in the City's water allocation should be measured prior to the City's intake. The City will continue to closely monitor the flow situation on Luffenholtz.

Those familiar with Luffenholtz Creek and the City's water plant ensure us that there is no reason to be alarmed at this point. Luffenholtz Creek has a strong summer baseflow, and there have been no impacts to the City's ability to pump and treat enough water to keep up with current demand. In addition, such impacts are not imminent. However, it is good for people to be aware of the situation and to be prepared in case flows do drop to the point of impacting the pumping capacity. Therefore, staff is recommending that the City Council consider passing the attached Resolution that would implement portions of the City's water rationing ordinance (Chapter 13.08).

Although no emergency currently exists, the water waste prohibitions and public outreach called for in the Resolution are intended to help prevent an emergency from occurring should water levels continue to drop, particularly if rainfall starts late this year.

There was no public comment.

Council comments included:

Davies: What will the public outreach look like?

Parker explained that the City has various methods of communicating with water customers, starting with the water bills. There is also the city website, direct mailing, and posting of flyers or posters in the high-traffic areas of town. The first step the water rationing ordinance calls for is to create a committee of 2 Councilmembers to help coordinate the efforts.

Clompus and **West** volunteered for the committee.

*Motion (Davies/Clompus) to approve Resolution 2020-16 and appoint Councilmember Clompus and West to form the Water Committee. **Passed unanimously.***

4. Discussion/Decision regarding First Reading of Ordinance 2020-01; Extending the .75% Transaction and Use Tax For General Purposes to Continue to be Administered by the California Department of Tax and Fee Administration if Adopted by the Voters at the November General Election.

City Clerk Adams explained that Ordinance 2020-01 is required by the California Department of Tax and Fee Administration (CDTFA) to be in place prior to the election November 03, 2020 General Election, whereby the City of Trinidad voters will be asked whether to extend the .75% Sales Tax another 4-years.

This Ordinance will authorize the CDTFA to postpone efforts to terminate the existing tax rate prior to the sunset date of March 31, 2021, and adopt a new termination date IF the sales tax extension passes successfully in November.

If the measure does not pass, this ordinance will become null and void.

A legal notice was summarized, and published in the Mad River Union a minimum of 5 days prior to this hearing as required. A second notice will be published with the outcome of this hearing, and a second reading of the Ordinance will be heard either at a second meeting in September, or at the October 13 regular meeting – whichever comes first.

The Ordinance will become effective if Measure E passes in November.

There was no public or Council comment.

*Motion (West/Grover) to conduct the first reading of Ordinance 2020-01; Extending the .75% Transaction and Use Tax For General Purposes to Continue to be Administered by the California Department of Tax and Fee Administration if Adopted by the Voters at the November General Election. **Passed unanimously.***

5. Discussion/Decision regarding Councilmember Committees and Assignments.

City Clerk Adams explained that this item was requested by the Council at the August meeting. Councilmembers represent the City on regional boards and committees that serve the community, ranging from transportation (HCAOG) and energy (RCEA), but also on local groups such as the Trinidad Coastal National Monument team and the Trails Committee.

The process of assigning, confirming, or re-assigning Council committee is regularly performed following General Elections every two years when new members are elected. However, there are no requirements that would restrict a sudden 'changing of the guard' prompted by events such as Councilmember resignations, or regular meeting changes that conflict with member schedules.

Newly appointed Councilmember **Richard Clompus** has expressed interest in expanding his role by taking on additional assignments. He was appointed following the resignation of Dwight Miller, and assumed Miller's duties by default through his remaining term (or at least until the November election results are certified and the Council seats are claimed).

Grover: Requested remaining as the primary representative on RCEA, but welcomed Clompus to share the role as the alternate.

No formal decision was made. Clompus will continue representing the City in the roles previously held by Dwight Miller, with the exception of being the primary RCEA representative. The Council will revisit the assignment list following the results of the November election.

XI. FUTURE AGENDA ITEMS

- Stormwater ASBS Project Update
- Town Hall Solar Project Bid Award

- Transient Occupancy Tax Ordinance, First Reading.

XII. ADJOURN TO CLOSED SESSION

2. Pursuant to Government Code, Section 54957: To Consider Real Estate Negotiation – 426 Trinity St.
3. Pursuant to Government Code, Section 54957: Public Employment, City Attorney.

ADJOURNMENT: 8:45pm.

Submitted by:

Gabriel Adams
Trinidad City Clerk

Approved by:

Steve Ladwig
Mayor

**MINUTES OF THE CITY COUNCIL GOVERNMENT TO GOVERNMENT MEETING WITH
THE YUOK TRIBE.
TUESDAY, SEPTEMBER 22, 2020 VIA GoTo MEETING**

I. CALL TO ORDER/ROLL CALL (6:00 pm)

Council Members Present: Ladwig, West, Grover, Davies, Clompus

Council Members Absent: None

City Staff: Naffah, Zetter

II. Pledge of Allegiance

III. Approval of Agenda

Motion (Grover/Clompus) to approve the agenda. Passed (5-0). Passed unanimously.

IV. CONSENT AGENDA – None

V. DISCUSSION/ACTION AGENDA ITEMS

Consultation with the Yurok Tribe.

The Yurok Tribe has requested a Government-to-Government meeting between the City Council and the Yurok Tribal Council. The City received the attached agenda from the Yurok Tribe on Friday, September 18, with a variety discussion topics proposed. The City intends to listen and discuss the issues of concern to the Yurok Tribe.

Yurok Tribal Council Members Present: Chairman J. James, M. Natt Pecwan District, E. Aubrey North District, S. Provolt Orick District, T. Vanlandingham Weitchpec District, R. Ray Requa District

Yurok Tribal Council Agenda Items

- *Tsurai Management Team*
- *Consultation with the Tribe in General*
- *Trinidad Trails Committee*
- *Land Transfer*
- *Van Wycke & Galindo Trails*
- *Water for Casino*

A. Tsurai Management Team

Introductions of the Tribal Council were conducted. The members discussed their personal backgrounds, and voiced their desire to conduct productive dialogue with City officials.

City of Trinidad Council members conducted introductions as well, while advising they were looking forward to productive dialogue and working together. Land Acknowledgement was also stated by Council member Clompus.

B. Consultation with the Tribe in General

Yurok Tribal Council Discussion/Comments:

Chairman James discussed the importance of government to government meetings, as both entities need to focus on protecting cultural resources and be stewards of the land. James also advised there are topics that will need to be discussed in executive session.

R. Clayburn discussed that she has worked for the Yurok tribe since 2003 as their THPO (Tribal Historic Preservation Officer) in effort to protect Yurok cultural resources. She discussed the expansiveness of the Yurok territory, whom have a responsibility to protect resources within their homeland. She explained that there are over 77 known villages, and over 6500 members. She acknowledged that it is important to note that the City of Trinidad sits in the middle of their territory. She also discussed the history of the land and the Yurok people.

Tribal Councilmember Provolt discussed how it's imperative to remember that this is a village and Yurok territory. She also acknowledged that with growth comes new challenges. She stressed the importance of finding balance between City growth and respecting cultural integrity.

Chairman James discussed the importance of being respectful and having meaningful consultation, as there are shared interests. He made note that the Yurok Tribal Council believes the acting parties, during such meetings, should only be Tribal Council members and City Council officials.

G. Thompson (Yurok legal council) explained that meaningful government to government consultation occurs when two sovereign governments come together to share information and identify issues, while then working together to find solutions and/or making agreements. She went on to explain that typically in government to government meetings, there are elected officials and key governmental staff. She discussed how California law provides a substantial amount of guidance regarding consultation between local governments and tribal governments, for example the concern regarding confidentiality. She also explained that the California Public Records Act does provide exemptions for the disclosure of public information. Thompson also discussed government to government best practices.

Chairman James discussed the Yurok's desire to have a seat at the table, as they want to work with the City. He also advised the Yurok would like to go into Executive Session for the remainder of the meeting.

City of Trinidad City Council Discussion/Comments:

Mayor Ladwig advised that the City is currently working on a policy to formalize government to government meetings. He also requested comments from the Council as the Yurok had requested to move into Executive Session.

City Manager Naffah questioned if some of the agenda items could be addressed in public, as the agenda received from the Yurok on Friday denoted to all items being addressed in a public setting.

Yurok Tribal Chairman James responded that all agenda items are intertwined with each other. However, advised that the first two items have been discussed this evening.

Council member Grover commented that that the Yurok tribe should also consider joining RCEA's tribal equity ad hoc committee.

Council member Davies questioned how and what the Council is legally able to report back to the public after the conclusion of executive session.

Mayor Ladwig advised that the Council is required to report out that meetings regarding certain legal matters have occurred, but not specific details.

Yurok Tribal Chairman James and THPO R. Clayburn agreed with Ladwig. Explaining that the Council can disclose that cultural resources were discussed, but not the specific location of those resources

G. Thompson (Yurok legal counsel) advised that they can clarify what is going to be reported out in the executive session.

Public Comment:

R. Harris (Greater Trinidad Area resident) discussed how the meeting was agendized. Stating that it needs to be clear what is going to be discussed in the executive session verses open session. Harris also advised that he is unsure how water for the casino is being discussed in executive session.

Mayor Ladwig explained that water is a cultural resource.

S. Laos (Trinidad Rancheria) stated that she agrees that water is a cultural resource, however water for the casino is not a cultural resource to another tribe. She explained that one tribe doesn't have authority over another tribe's enterprise on Trinidad Rancheria's federal trust land. She questioned why water for the casino is being discussed in executive session.

Chairman James responded that the issue is that water is a cultural resource.

T. Stewart (Trinidad Rancheria legal counsel) stated it is important for the City Council to consider fair treatment of both tribes, for example that there is pending litigation regarding the Tsurai Village, but the Rancheria has been excluded from those discussions.

Mayor Ladwig advised that this is listening exercise, and decisions can't and won't be made.

Motion (Grover/Clompus) to move to executive session. Passed (5-0) Passed unanimously.

Council member Davies requested to delineate, in the future, items that are to be discussed in executive session.

VI. Adjourned into executive session.



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION ATTACHED

1. Staff Activity Report – October 2020

City Manager's Report

Date: November 10, 2020

150th Anniversary of Trinidad:

In celebration of the 150th Anniversary of Trinidad on November 7th, lapel pins are being distributed to all residents and businesses of Trinidad. A history of incorporation was prepared by the Trinidad Museum Society reflecting on the official incorporation date of November 7, 1870.

Council Election and Measure E:

The three City Council incumbents were reelected to the Council on November 3rd. Measure E, the $\frac{3}{4}$ cent Sales Tax renewal, won with over 73% of the vote in unofficial but final election night results. The endorsement by Humboldt Taxpayers League of Measure E as a responsible tax was of assistance.

Luffenholtz Creek:

The California Department of Fish and Wildlife was notified mid-October by the City that the levels in Luffenholtz Creek had fallen below the threshold set by the State. A Water Conservation letter was sent to all City Water Customers and property owners in the creek watershed. The City Water Department and Engineers continue to monitor the creek flows on a weekly basis. The City's Water Committee has been meeting regularly to also monitor the water situation and conservation measures. Hopefully, weekend rains will help increase the creek flow.

Blessing of the Fleet:

The annual Blessing of the Fleet will take place in a modified format due to COVID. A special event COVID plan was approved by the County's Emergency Operations Center and the Public Health Department. The event is limited to 30 invited participants. Due to COVID, the community is invited to join remotely from the comfort of their home via Facebook and YouTube streaming. Details will be available on the City and Chamber websites.

Van Wycke Temporary Water Main and Stormwater Project:

The temporary water main and stormwater project bid was awarded to Wahlund Construction. Construction will take place this month. This project will temporarily provide water and stormwater relief to the Van Wycke/Edwards area until permanent projects take place in the next year.

CARES Act/COVID Relief:

The City has received CARES Act funding through the State that reimburses the City for COVID related expenses. Up to \$50,000 have been made available to the City. This covers direct expenses and staff time dedicated to addressing COVID.

Committee Reports for Richard Clompus, November 10, 2020

1. Indian Gaming Benefits Committee

- I have been added to this committee to represent the City of Trinidad by Kathy Hayes, Clerk of the Board. This committee has been inactive since 2011 without funds to distribute to local communities.

2. Humboldt Waste Management Authority (HWMA)

- The city of Trinidad and Fortuna are not members of the Authority.

3. California Coastal National Monument Gateway Committee (CCNM)

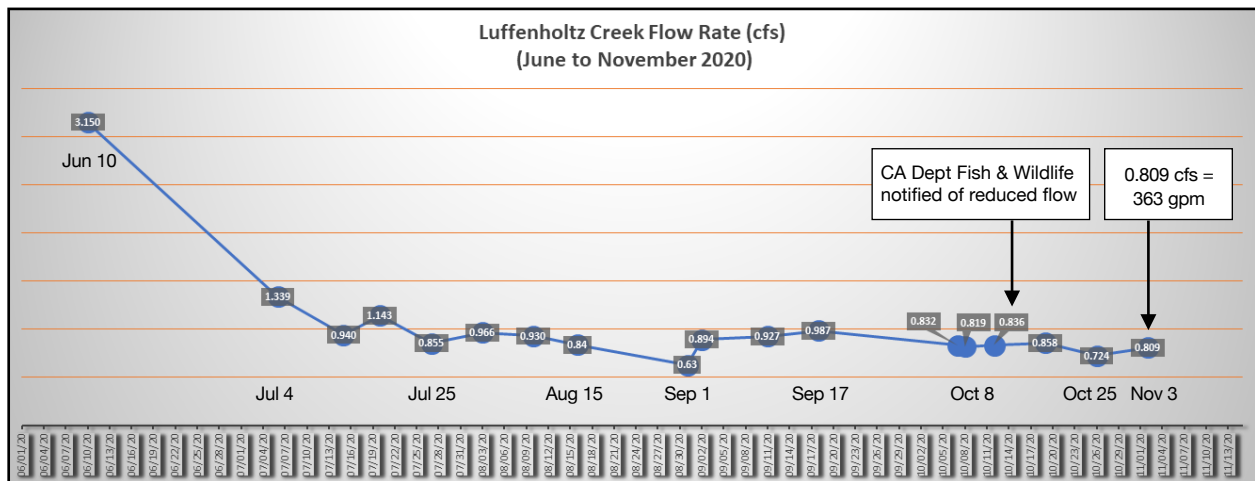
- This committee met via Zoom on 10-20-20 with Carol Vander Meer, Interim Executive Director managing the meeting with the following attendees:
 - Leisyka Parrott, BLM, Bill Standly, BLM, Cheryl Kelly, City of Trinidad, Richard Clompus, City of Trinidad, Becky Price-Hall, City of Trinidad, Russ Namitz, BLM, Patti Fleschner, Trinidad Museum, Shirley Laos, Trinidad Rancheria, Grant Roden, Trinidad Rancheria, Michelle Kunst, Trinidad Coastal Land Trust, Carol Vander Meer, Trinidad Coastal Land Trust.
- **Review of the Virtual Trinidad Coastal Land Festival**
 - Videos were broadcast on Facebook with some segments had thousands of views (like kayaking) while others had hundreds of views. Videos can be seen on the news and events page of the Trinidad Coastal Land Trust website.
- The committee is restarting Working Groups: Interpretation, Recreation, Ecology and Restoration that will work to support the strategic plan of the organization.
 - The mission of the Bureau of Land Management is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations.
 - For more information, please go to: <https://www.blm.gov/programs/national-conservation-lands/california/california-coastal>.
- Next Quarterly CCNM Trinidad Gateway meeting will be Thursday, 1-21-21, 10am-12pm.

4. Humboldt County Visitors Bureau (HCVB)

- Humboldt County has funded the bureau for two more years to promote tourism.
- Outreach continues to the following organizations to update content on [VisitRedwoods.com](https://www.visitredwoods.com) for 2021:
 - **Greater Trinidad Chamber of Commerce**
 - Fish Festival - 3rd Sunday in June
 - Trinidad to Clam Beach Run
 - Thanksgiving Day Blessing of the Fleet
 - **California Coastal National Monument Gateway Committee**
 - Tastin' Trinidad
 - Trinidad Coastal National Monument Festival
 - **Trinidad Civic Club**
 - Memorial Day Lost at Sea Reading
 - Santa Claus Boat Celebration
 - **Trinidad Bay Arts & Music Festival - Julie Fulkerson/Vanessa Kibbe**
 - **Community Arts Trinidad & Greater Trinidad Chamber of Commerce**
 - Trinidad Art Nights

5. Trinidad Water Committee

- The purpose of this committee was to implement and communicate the city's Water Shortage Contingency Plan (WSCP) that has been under review for many months. It is scheduled to be introduced during today's council meeting.
- Multiple meetings have been completed with Jack West, counsel member and mayor Pro-Tem, and Eli Naffah, city manager, to create a communication plan to support the Water Shortage Contingency Plan.
- Reduced water flow of Luffenholtz creek identified in October directed the need for water conservation efforts by Trinidad water users and area residents.



- 390 drought notice letters were mailed to Trinidad water users and those living in the Luffenholtz creek watershed.
- The drought letter (attached) highlighted Luffenholtz Creek as the single source of water for Trinidad with conservation steps to reduce water consumption. The city's water system does not have a reservoir that can be used as a supplemental water source during periods of drought.
- The city website was updated with a drought alert on the home page with a link to the drought letter.
- Information cards (5x7") will be printed and sent to short term rental (STR) operators in Trinidad to educate tourists about conserving water resources during their visit (similar to educational cards seen in hotels in California).
- Further information about managing drought conditions will be guided by the city's Water Shortage Contingency Plan (WSCP) that is being finalized by the Planning Commission.
- If mandatory water conservation steps are announced, current city ordinances detail fines for non-compliance (Chapter 13.08 WATER RATIONING): www.codepublishing.com/CA/Trinidad/#!/Trinidad13/Trinidad1308.html%231

Drought Information





City of Trinidad

Declaration of Drought Condition



Luffenholtz Creek

The Trinidad area is now experiencing drought conditions with only 75% of normal rainfall received during the last wet season.

The City has been continually monitoring flows on Luffenholtz Creek for the last four years and flows are now the lowest they have been during that time. Current flows are more than adequate for the Trinidad water plant to operate at full capacity, however the City's water system is vulnerable. If creek levels drop too far, the ability of the City's water plant to pump water can be affected relatively quickly.

The City's water system provides service to 322 water connections, both inside and outside the City serving approximately 1,000 residents and businesses.

Luffenholtz Creek provides the City's only source of water. There are no reservoirs or secondary supply facilities. Therefore, the amount of water that the City can pump and treat on a daily basis is largely dependent on the amount of water flowing in Luffenholtz Creek at any given time.

In order to plan for drought conditions and other water shortages, the City is developing a Water Shortage Contingency Plan (WSCP).

One of the central parts of this plan is the creation of increasingly severe drought or water shortage stages. Each stage has its own set of actions required by both the City and water customers. Although the WSCP is not yet in effect, some of the principles can be applied using tools the City already has. The City Council adopted Resolution 2020-16 on September 8, 2020 declaring drought conditions and implementing certain sections of the City's water code. Resolution 2020-16 implements certain prohibitions on wasteful use of water as follows:

- a. The use of city water to irrigate outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
- b. The use of a hose that dispenses city water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- c. The use of city water to rinse driveways, sidewalks or use in a fountain or other decorative water feature, except where the water is part of a recirculating system;
- d. The application of city water to irrigate outdoor landscapes during and within 48 hours after measurable rainfall;
- e. The irrigation using city water outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements.

Water Conservation Tips for All Residents

For Every Room in the House With Plumbing

- Repair leaky faucets, indoors and out and install low-flow fixtures.

In the Kitchen

- When cooking, peel and clean vegetables in a large bowl of water instead of under running water.
- Fill your sink or basin when washing and rinsing dishes.
- Only run the dishwasher when it's full.
- Only use the garbage disposal when necessary (composting is a great alternative).
- Install faucet aerators.

In the Bathroom

- Take short showers instead of baths.
- Turn off the water to brush teeth and shave. Fill the sink to shave with a razor.
- Repair leaky toilets. Add 12 drops of food coloring into the tank, and if color appears in the bowl one hour later, your toilet is leaking.
- Install a toilet dam, faucet aerators and low-flow shower heads.

Laundry

- Only run full loads of laundry.
- When purchasing a new washing machine, buy a water saving model that can be adjusted to the load size.

Outdoors

- Avoid using city water to irrigate your lawn during a drought period.
- Avoid using city water to wash your car during a drought period. If needed, use a car wash in McKinleyville or Arcata where water is supplied from more robust water sources.
- When mowing your lawn, set the mower blades to 2-3 inches high. Longer grass shades the soil improving moisture retention allowing it to grow thicker and develop a deeper root system. This helps grass survive drought, tolerate insect damage and fend off disease.
- Apply mulch around shrubs and flower beds to reduce evaporation, promote plant growth and control weeds.
- Add compost or an organic matter to soil as necessary to improve soil conditions and water retention.
- Always use a broom to clean walkways, driveways, decks and porches, rather than hosing off these areas.



For more information, please visit these websites or call Trinidad City Hall:

- www.water.ca.gov/water-basics/conservation-tips
- www.trinidad.ca.gov
- www.saveourwater.com
- Trinidad City Hall, (707) 677-0223

USAGE AND LOSS REPORT

Month	Water Pumped	Water Sold	Water Loss Prct	Average Use	Active Meters	Zero Use Meters	Over 50000	40001 50000	30001 40000	20001 30000	10001 20000	8001 10000	6001 8000	4001 6000	2001 4000	1 2000
06-20	317,352	240,055	18.18	748	321	17	0	0	0	0	1	0	1	3	14	287
07-20	375,428	275,612	19.19	859	321	12	0	0	0	1	0	0	2	5	22	281
08-20	371,911	273,922	17.60	853	321	12	0	0	0	0	1	1	3	3	19	284
09-20	390,762	302,614	19.37	940	322	14	0	0	0	0	3	0	4	5	18	280
10-20	299,959	230,430	20.64	716	322	16	0	0	0	0	1	1	1	5	10	290

5 Month Totals

Total	Water Pumped	1,755,412
Total	Water Sold	1,322,633
Total	Used for Fire/Flush	99,934
Total	Water Loss	332,845
Total	Water Loss Percent	18.96 %

Monthly Averages

Average	Water Pumped	351,082
Average	Water Sold	264,527
Average	Used for Fire/Flush	19,987
Average	Water Loss	66,569
Average	Water Loss Percent	18.96 %
Average	Customer Use	823

Qualified By: System Totals 06-20 to 10-20
City of Trinidad



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION ATTACHED

2. Financial Statements – September 2020

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 9/1/2020 Through 9/30/2020

		Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	100,000.00	100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,800.00	100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	25.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	1,300.00	100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41070	PROPERTY TAX - FINES	0.00	0.00	500.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00	100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,900.00	100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	4,500.00	100.00)%
41220	IN LIEU VLF	0.00	0.00	28,500.00	100.00)%
42000	SALES & USE TAX	10,412.71	21,807.20	255,000.00	(91.45)%
43000	TRANSIENT LODGING TAX	300.00	1,383.67	140,000.00	(99.01)%
46000	GRANT INCOME	0.00	0.00	10,000.00	100.00)%
47310	VEHICLE LICENSE COLLECTION	0.00	0.00	300.00	100.00)%
53010	COPY MACHINE FEE	0.00	2.50	50.00	(95.00)%
53020	INTEREST INCOME	36.53	119.63	25,300.00	(99.53)%
53090	OTHER MISCELLANEOUS INCOME	0.00	4,261.76	9,000.00	(52.65)%
54020	PLANNER- APPLICATION PROCESSIN	3,780.00	3,780.00	15,000.00	(74.80)%
54050	BLDG.INS-P-APPLICATION PROCESSI	349.94	3,094.84	8,000.00	(61.31)%
54100	ANIMAL LICENSE FEES	110.00	317.50	300.00	5.83)%
54150	BUSINESS LICENSE TAX	0.00	270.00	9,000.00	(97.00)%
54170	STR License Fee (Short Term Rental)	0.00	300.00	9,600.00	(96.88)%
54300	ENCROACHMENT PERMIT FEES	0.00	0.00	400.00	100.00)%
56400	RENT - VERIZON	6,552.53	13,105.06	19,500.00	(32.79)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,125.00	100.00)%
56550	RENT - PG& E	0.00	0.00	9,000.00	100.00)%
56650	RENT - SUDDENLINK	0.00	1,524.37	6,500.00	(76.55)%
56700	RENT - TOWN HALL	0.00	0.00	2,500.00	100.00)%
	Total Revenue	21,541.71	49,966.53	666,600.00	(92.50)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 9/1/2020 Through 9/30/2020

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
60900	HONORARIUMS	250.00	750.00	3,000.00	75.00%
61000	EMPLOYEE GROSS WAGE	9,473.74	27,477.79	122,897.00	77.64%
61470	FRINGE BENEFITS	184.62	1,107.72	3,120.00	64.50%
65100	DEFERRED RETIREMENT	1,165.66	3,347.39	14,748.00	77.30%
65200	MEDICAL INSURANCE AND EXPENSE	1,690.33	4,532.32	22,154.00	79.54%
65250	Health Savings Program	16.63	49.89	1,050.00	95.25%
65300	WORKMEN'S COMP INSURANCE	0.00	4,257.02	4,085.00	(4.21)%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	50.60	294.51	750.00	60.73%
65600	PAYROLL TAX	821.60	2,394.19	10,530.00	77.26%
65800	Grant Payroll Allocation	(324.18)	(513.29)	(4,000.00)	87.17%
68090	CRIME BOND	0.00	537.55	550.00	2.26%
68200	INSURANCE - LIABILITY	0.00	13,594.20	13,600.00	0.04%
68300	PROPERTY & CASUALTY	0.00	6,437.60	6,250.00	(3.00)%
71110	ATTORNEY-ADMINISTRATIVE TASKS	3,615.00	5,314.00	5,000.00	(6.28)%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	1,215.00	0.00	0.00%
71310	CITY PLANNER-ADMIN. TASKS	19.50	6,643.35	98,000.00	93.22%
71410	BLDG INSPECTOR-ADMIN TASKS	1,544.58	6,012.51	15,000.00	59.92%
71510	ACCOUNTANT-ADMIN TASKS	3,031.40	4,955.02	17,000.00	70.85%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	16,000.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	15,000.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	547.00	932.25	3,000.00	68.92%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	500.00	2,000.00	75.00%
75170	RENT	750.00	2,250.00	9,000.00	75.00%
75180	UTILITIES	806.97	2,323.78	12,000.00	80.64%
75190	DUES & MEMBERSHIP	0.00	0.00	1,000.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	427.00	1,035.00	3,500.00	70.43%
75220	OFFICE SUPPLIES & EXPENSE	221.00	1,097.94	7,500.00	85.36%
75240	BANK CHARGES	0.00	0.00	100.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	200.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	420.00	500.00	16.00%
76110	TELEPHONE	553.71	1,658.93	4,000.00	58.53%
76130	CABLE & INTERNET SERVICE	218.90	656.70	3,000.00	78.11%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	0.00	76.50	500.00	84.70%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	697.00	1,500.00	53.53%
	Total Expense	25,064.06	100,054.87	414,034.00	75.83%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 9/1/2020 Through 9/30/2020

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	448.64	1,289.96	5,832.00	77.88%
61470	FRINGE BENEFITS	184.62	184.62	240.00	23.07%
65100	DEFERRED RETIREMENT	56.04	162.51	700.00	76.78%
65200	MEDICAL INSURANCE AND EXPENSE	48.30	128.69	573.00	77.54%
65250	Health Savings Program	0.50	1.50	35.00	95.71%
65300	WORKMEN'S COMP INSURANCE	0.00	202.63	194.00	(4.45)%
65600	PAYROLL TAX	39.50	114.47	500.00	77.11%
75170	RENT	750.00	2,250.00	9,000.00	75.00%
75180	UTILITIES	134.83	347.20	1,800.00	80.71%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	10,000.00	100.00%
75350	ANIMAL CONTROL	262.00	579.50	1,600.00	63.78%
76110	TELEPHONE	0.00	0.00	600.00	100.00%
78170	SECURITY SYSTEM	76.50	153.00	600.00	74.50%
	Total Expense	<u>2,000.93</u>	<u>5,414.08</u>	<u>32,174.00</u>	<u>83.17%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 9/1/2020 Through 9/30/2020

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	450.00	2,400.00	81.25%
75180	UTILITIES	72.37	181.92	1,150.00	84.18%
75190	DUES & MEMBERSHIP	0.00	271.24	350.00	22.50%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
76110	TELEPHONE	231.41	355.07	1,300.00	72.69%
76140	RADIO & DISPATCH	0.00	0.00	1,800.00	100.00%
78140	VEHICLE FUEL & OIL	34.90	34.90	350.00	90.03%
78150	VEHICLE REPAIRS	309.08	897.64	2,500.00	64.09%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	1,655.78	1,500.00	(10.39)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	5,000.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>797.76</u>	<u>3,846.55</u>	<u>17,850.00</u>	<u>78.45%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 9/1/2020 Through 9/30/2020

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	5,972.42	16,643.48	88,866.00	81.27%
61250	OVERTIME	0.00	0.00	500.00	100.00%
61470	FRINGE BENEFITS	0.00	0.00	720.00	100.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	100.00	100.00%
65100	DEFERRED RETIREMENT	723.36	2,037.90	10,664.00	80.89%
65200	MEDICAL INSURANCE AND EXPENSE	1,872.54	4,806.17	26,684.00	81.99%
65250	Health Savings Program	15.97	48.03	1,243.00	96.14%
65300	WORKMEN'S COMP INSURANCE	0.00	3,306.74	2,954.00	(11.94)%
65600	PAYROLL TAX	508.04	1,417.63	7,614.00	81.38%
65800	Grant Payroll Allocation	(3,797.85)	(13,142.55)	(64,400.00)	79.59%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	10,000.00	100.00%
71250	CITY ENGINEER - PROJECT FEES	943.75	943.75	0.00	0.00%
71310	CITY PLANNER-ADMIN. TASKS	0.00	0.00	5,000.00	100.00%
75180	UTILITIES	0.00	0.00	250.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	3,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	60,000.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	1,000.00	100.00%
76110	TELEPHONE	0.00	116.54	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	0.00	5,000.00	100.00%
78120	STREET LIGHTING	443.88	1,115.65	5,000.00	77.69%
78130	TRAIL MAINTENANCE	0.00	42.88	10,000.00	99.57%
78140	VEHICLE FUEL & OIL	123.08	541.60	4,000.00	86.46%
78150	VEHICLE REPAIRS	110.00	110.00	2,500.00	95.60%
78160	BUILDING REPAIRS & MAINTENANCE	384.00	1,577.52	14,000.00	88.73%
78190	MATERIALS, SUPPLIES & EQUIPMEN	314.09	528.32	5,000.00	89.43%
78200	EQUIPMENT REPAIRS & MAINTENANC	93.82	169.19	2,500.00	93.23%
	Total Expense	7,707.10	20,262.85	202,195.00	89.98%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 9/1/2020 Through 9/30/2020

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
56150	FRANCHISE FEES	0.00	636.41	10,000.00	(93.64)%
	Total Revenue	0.00	636.41	10,000.00	(93.64)%
	Expense				
61000	EMPLOYEE GROSS WAGE	332.92	714.47	8,103.00	91.18%
65100	DEFERRED RETIREMENT	39.96	70.52	972.00	92.74%
65200	MEDICAL INSURANCE AND EXPENSE	57.39	73.71	1,654.00	95.54%
65250	Health Savings Program	1.20	3.60	161.00	97.76%
65300	WORKMEN'S COMP INSURANCE	0.00	326.45	269.00	(21.36)%
65600	PAYROLL TAX	28.26	60.54	694.00	91.28%
75130	GARBAGE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,800.00	100.00%
	Total Expense	459.73	1,249.29	14,153.00	91.17%
	Net Income	(459.73)	(612.88)	(4,153.00)	(85.24)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
212 - Budget Act - COVID
From 9/1/2020 Through 9/30/2020

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	8,333.00	24,999.00	0.00	0.00%
	Total Revenue	8,333.00	24,999.00	0.00	0.00%
	Expense				
65800	Grant Payroll Allocation	(189.11)	0.00	0.00	0.00%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	186.50	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	998.00	0.00	0.00%
75220	OFFICE SUPPLIES & EXPENSE	204.49	204.49	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	440.68	440.68	0.00	0.00%
	Total Expense	456.06	1,829.67	0.00	0.00%
	Net Income	7,876.94	23,169.33	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
303 - COPS Program
From 9/1/2020 Through 9/30/2020

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	155,000.00	(100.00)%
	Total Revenue	0.00	0.00	155,000.00	(100.00)%
	Expense				
75300	CONTRACTED SERVICES	0.00	40,671.25	155,000.00	73.76%
	Total Expense	0.00	40,671.25	155,000.00	73.76%
	Net Income	0.00	(40,671.25)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
503 - State Gas Tax
From 9/1/2020 Through 9/30/2020

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	15,000.00	(100.00)%
47005	RMRA (SB1)	553.67	553.67	0.00	0.00%
47030	GAS TAX REVENUE (2103)	492.90	723.08	0.00	0.00%
47050	GAS TAX REVENUE (2105)	331.26	483.23	0.00	0.00%
47060	GAS TAX REVENUE (2106)	1,029.37	1,535.48	0.00	0.00%
47070	GAS TAX REVENUE (2107)	457.18	665.65	0.00	0.00%
47075	GAS TAX REVENUE (2107.5)	0.00	1,000.00	0.00	0.00%
	Total Revenue	2,864.38	4,961.11	15,000.00	(66.93)%
	Expense				
60000	INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	40,000.00	100.00%
75300	CONTRACTED SERVICES	20,000.00	28,279.04	0.00	0.00%
	Total Expense	20,000.00	28,279.04	40,000.00	29.30%
	Net Income	(17,135.62)	(23,317.93)	(25,000.00)	(6.73)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
504 - TDA - Transporation Development Agency
From 9/1/2020 Through 9/30/2020

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	12,500.00	(100.00)%
49990	OTHER GRANTS	41,918.00	41,918.00	0.00	0.00%
	Total Revenue	41,918.00	41,918.00	12,500.00	235.34%
	Expense				
60000	INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	12,000.00	100.00%
75250	TRANSIT SERVICES- HTA	5,029.49	5,029.49	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	11,400.00	0.00	0.00%
	Total Expense	5,029.49	16,429.49	12,000.00	(36.91)%
	Net Income	36,888.51	25,488.51	500.00	4,997.70%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 9/1/2020 Through 9/30/2020

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	12,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	1,000.00	(100.00)%
57100	WATER SALES	32,970.47	90,950.86	315,000.00	(71.13)%
57200	Water Sales - Wholesale	1,980.00	5,220.00	8,000.00	(34.75)%
57500	WATER A/R PENALTIES	(2,580.37)	(893.08)	6,000.00	(114.88)%
	Total Revenue	32,370.10	95,277.78	342,000.00	(72.14)%
Expense					
61000	EMPLOYEE GROSS WAGE	7,564.68	22,744.27	113,588.00	79.98%
61470	FRINGE BENEFITS	0.00	0.00	720.00	100.00%
65100	DEFERRED RETIREMENT	914.40	2,818.49	13,631.00	79.32%
65200	MEDICAL INSURANCE AND EXPENSE	4,285.63	11,650.40	36,160.00	67.78%
65250	Health Savings Program	31.21	93.88	1,572.00	94.03%
65300	WORKMEN'S COMP INSURANCE	0.00	4,190.41	3,776.00	(10.97)%
65600	PAYROLL TAX	647.01	1,947.33	9,732.00	79.99%
68090	CRIME BOND	0.00	289.45	300.00	3.52%
68200	INSURANCE - LIABILITY	0.00	7,310.80	7,325.00	0.19%
68300	PROPERTY & CASUALTY	0.00	3,466.40	3,350.00	(3.47)%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,500.00	100.00%
71230	ENGINEER-SPECIAL PROJECTS	0.00	1,270.50	45,000.00	97.18%
71310	CITY PLANNER-ADMIN. TASKS	0.00	1,614.70	10,000.00	83.85%
71510	ACCOUNTANT-ADMIN TASKS	1,632.30	2,668.08	9,000.00	70.35%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00	100.00%
72100	BAD DEBTS	0.00	0.00	100.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	322.33	0.00	0.00%
75180	UTILITIES	1,425.02	4,281.77	14,000.00	69.42%
75190	DUES & MEMBERSHIP	0.00	0.00	700.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	200.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	105.00	702.56	5,000.00	85.95%
75240	BANK CHARGES	0.00	0.00	100.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	750.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	19,000.00	100.00%
76110	TELEPHONE	210.46	622.66	1,800.00	65.41%
76130	CABLE & INTERNET SERVICE	61.95	185.85	750.00	75.22%
76160	LICENSES & FEES	0.00	0.00	3,600.00	100.00%
78140	VEHICLE FUEL & OIL	132.17	400.51	1,500.00	73.30%
78150	VEHICLE REPAIRS	533.30	663.30	2,500.00	73.47%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	2,476.47	4,250.00	41.73%
78170	SECURITY SYSTEM	0.00	76.50	500.00	84.70%
78190	MATERIALS, SUPPLIES & EQUIPMEN	409.62	508.20	5,000.00	89.84%
78200	EQUIPMENT REPAIRS & MAINTENANC	466.26	682.02	1,500.00	54.53%
79100	WATER LAB FEES	385.00	1,843.43	6,000.00	69.28%
79120	WATER PLANT CHEMICALS	437.02	903.37	7,500.00	87.96%
79150	WATER LINE REPAIR	18,512.15	18,794.97	25,000.00	24.82%
79160	WATER PLANT REPAIR	0.00	0.00	3,000.00	100.00%
	Total Expense	37,753.18	92,528.65	366,904.00	74.78%
	Net Income	(5,383.08)	2,749.13	(24,904.00)	(111.04)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 9/1/2020 Through 9/30/2020

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
53020	INTEREST INCOME	0.00	0.00	250.00	(100.00)%
58100	CEMETERY PLOT SALES	1,410.00	1,410.00	12,000.00	(88.25)%
	Total Revenue	1,410.00	1,410.00	12,250.00	(88.49)%
	Expense				
61000	EMPLOYEE GROSS WAGE	504.32	1,355.28	8,272.00	83.62%
65100	DEFERRED RETIREMENT	60.50	145.31	993.00	85.37%
65200	MEDICAL INSURANCE AND EXPENSE	180.75	343.78	1,921.00	82.10%
65250	Health Savings Program	1.99	5.60	140.00	96.00%
65300	WORKMEN'S COMP INSURANCE	0.00	306.75	275.00	(11.55)%
65600	PAYROLL TAX	42.86	115.12	709.00	83.76%
75180	UTILITIES	45.23	135.69	493.00	72.48%
75300	CONTRACTED SERVICES	0.00	0.00	2,000.00	100.00%
78170	SECURITY SYSTEM	0.00	106.50	450.00	76.33%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	835.65	2,514.03	15,753.00	84.04%
	Net Income	574.35	(1,104.03)	(3,503.00)	(68.48)%



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION ATTACHED

3. Law Enforcement Report – October 2020

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results
City is trinidad or trin, Date Between 9/28/2020 and 10/4/2020

10/06/2020

Date	Inc #	Type	Time	Location	Dispositio
09/28/2020	2009280040	415	09:32:41	201 MAIN ST	Gone On Arrival
09/28/2020	2009280063	XFER	11:13:32	4189 PATRICKS POINT DR	Xfer to Fire
09/28/2020	2009280094	SUSPC	13:29:43	201 MAIN ST	Unable to Locate
09/28/2020	2009280101	PED	14:01:20	201 MAIN ST	Field Interview
09/28/2020	2009280112	CIVS	14:53:57	(UNKNOWN ADDRESS)	Negative Contact Made
09/28/2020	2009280118	FU	15:16:01	BERRY LN/FRONTAGE RD	Field Interview
09/28/2020	2009280119	CIVS	15:23:56	64 SCENIC DR	Cad Documentation Only
09/28/2020	2009280174	415N	22:18:51	329 OCEAN AVE	Admonished
09/28/2020	2009280176	459	22:38:16	101 N WESTHAVEN DR	Arrest Made
09/29/2020	2009290058	ASSISTP	11:38:11	960 EDWARDS ST	Cad Documentation Only
09/29/2020	2009290104	CIVS	14:58:31	END OF QUARRY ROAD	Negative Service
09/29/2020	2009290148	603	20:31:38	100 MOONSTONE BEACH RD	Report Taken
09/30/2020	2009300026	ANIMAL	08:50:24	1498 ADAMS FOX FARM RD	Warned
09/30/2020	2009300089	ADMIN	14:42:21	199 N WESTHAVEN DR	Public Assist
09/30/2020	2009300108	415MW	15:50:57	560 EDWARDS ST	Non-Essential Response
09/30/2020	2009300148	SUI	20:51:47	201 MAIN ST	Report Taken
09/30/2020	2009300163	5150	23:37:26	27 SCENIC DR	Xfer to Medical
10/01/2020	2010010032	DISP	08:38:31	183 LANFORD RD	Cad Documentation Only
10/01/2020	2010010071	DUMP	10:42:15	201 MAIN ST	Cad Documentation Only
10/01/2020	2010010145	594	15:20:59	LUFFENHOLTZ RD	Report Taken
10/01/2020	2010010157	417	16:27:40	SCENIC/JNO BAKER BEACH	Cited
10/01/2020	2010010195	JUVU	21:11:53	335 WESTGATE DR	Unable to Locate
10/02/2020	2010020120	XFER	14:48:46	101 WESTGATE DR	Xfer to Medical
10/02/2020	2010020141	UNW	16:37:40	607 PARKER ST	Admonished
10/03/2020	2010030012	VEHI	01:42:25	SCENIC DR	Field Interview
10/03/2020	2010030017	BUS	02:52:50	27 SCENIC DR	Cited
10/03/2020	2010030065	459V	12:11:59	475 ADAM FOX FARM	Report Taken
10/03/2020	2010030071	CIVS	12:31:53	END OF QUARRY RD	Negative Service
10/03/2020	2010030088	ASSISTA	13:53:22	27 SCENIC DR	Agency Assist
10/03/2020	2010030107	594	16:06:11	N/A	Report Taken
10/03/2020	2010030113	XFER	16:44:14	PATRICKS POINT DR	Xfer to CHP
10/03/2020	2010030139	PC	19:26:40	MARTIN CREEK TRAIL HEAD	Unable to Locate
10/04/2020	2010040011	XFER	01:40:33	1116 STAGECOACH RD	Xfer to Medical
10/04/2020	2010040030	SUSPC	08:26:47	MOONSTONE BEACH RD	Gone On Arrival
10/04/2020	2010040039	ASSISTP	09:12:35	SCENIC DR	Pending Recontact From Rp
10/04/2020	2010040111	PROPF	18:39:10	N/A	Scheduled Incident Created

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results**City is trinidad or trin, Date Between 10/5/2020 and 10/11/2020**

10/13/2020

Date	Inc #	Type	Time	Location	Dispositio
10/05/2020	2010050036	PROPF	10:00:31	N/A	Report Taken
10/05/2020	2010050083	RO	13:35:27	850 S WESTHAVEN DR	Cad Documentation Only
10/05/2020	2010050103	417	15:10:38	876 PATRICKS POINT DR	Cad Documentation Only
10/05/2020	2010050104	CIVS	15:11:46	982 N WESTHAVEN DR	Negative Contact Made
10/05/2020	2010050106	PC	15:33:44	TEH-PAH	No Report
10/05/2020	2010050107	LIVSTK	15:35:25	1170 PATRICKS POINT DR	Cad Documentation Only
10/05/2020	2010050140	PC	20:39:32	607 PARKER ST	Warned
10/06/2020	2010060011	459R	08:00:56	N/A	Report Taken
10/06/2020	2010060017	PED	09:02:03	201 MAIN ST	Field Interview
10/06/2020	2010060041	ANIMAL	11:13:26	822 N WESTHAVEN DR	Pending Recontact From Rp
10/06/2020	2010060104	CIVS	15:46:31	982 N WESTHAVEN DR	Negative Service
10/06/2020	2010060106	ASSISTP	15:59:19	850 S WESTHAVEN DR	Cad Documentation Only
10/06/2020	2010060107	XFER	16:00:16	1116 STAGECOACH RD	Xfer to Fire
10/06/2020	2010060111	415	16:38:48	357 MAIN ST	No Report
10/06/2020	2010060114	XFER	17:14:48	US HWY 101 OFF RAMP/PATR	Xfer to CHP
10/07/2020	2010070031	FP	09:07:23	BEHIND THE LIBRARY	Cad Documentation Only
10/07/2020	2010070032	FP	09:19:23	(UNKNOWN ADDRESS)	Cad Documentation Only
10/07/2020	2010070061	SUSPP	12:11:52	560 EDWARDS ST	Unable to Locate
10/07/2020	2010070064	PED	12:31:06	500 EDWARDS ST	Field Interview
10/07/2020	2010070070	ASSISTP	12:44:46	(UNKNOWN ADDRESS)	Public Assist
10/07/2020	2010070076	ANIMAL	13:09:59	416 ROUNDHOUSE CREEK RD	Report Taken
10/07/2020	2010070079	AVA	13:18:46	876 PATRICKS POINT DR	Marked For Abatement
10/07/2020	2010070115	415MW	17:15:17	389 MAIN ST	Advised to Move Along
10/07/2020	2010070136	XFER	21:09:21	27 SCENIC DR	Xfer to Medical
10/07/2020	2010070142	HSACT	21:38:15	27 SCENIC DR	Cancel Per Rp
10/07/2020	2010070150	TRF	22:58:33	HWY 101/JSO TRINIDAD	Warned
10/07/2020	2010070152	SUSPC	23:42:12	201 MAIN ST	Cad Documentation Only
10/08/2020	2010080029	NPROB	08:15:58	836 N WESTHAVEN DR	Civil Problem
10/08/2020	2010080056	488	10:21:14	3415 PATRICKS POINT DR	Report Taken
10/08/2020	2010080068	ASSISTP	11:05:28	(UNKNOWN ADDRESS)	Public Assist
10/08/2020	2010080111	ASSISTP	13:20:29	607 PARKER ST	Public Assist
10/08/2020	2010080112	CIVS	13:20:51	101 N WESTHAVEN DR	Negative Service
10/08/2020	2010080128	XFER	14:19:46	MAIN ST/PATRICKS POINT D	Public Assist
10/08/2020	2010080157	XFER	19:13:30	QUARRY RD	Xfer to Fire
10/09/2020	2010090029	602	08:11:21	80 SCENIC DR	Pending Recontact From Rp
10/09/2020	2010090145	XFER	16:46:43	SB HWY 101/MOONSTONE	Xfer to CHP
10/09/2020	2010090152	DISP	17:28:42	444 ROUNDHOUSE CREEK RD	Accidental Dial
10/09/2020	2010090189	TRF	22:08:37	HIGHWAY 101 ON RAMP/CLAM	Cited
10/09/2020	2010090198	33X	23:09:40	389 MAIN ST	Billable Alarm
10/10/2020	2010100010	PC	01:59:46	122 MAIN ST	Cad Documentation Only
10/10/2020	2010100051	TPAT	11:24:53	CHER AE HEIGHTS	No Report
10/10/2020	2010100080	415	15:48:31	201 MAIN ST	Arrest Made
10/10/2020	2010100126	PC	22:10:27	SCENIC DR	Public Assist
10/10/2020	2010100137	INC	23:44:26	1 CHER-AE LN	Phone Malfunction

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results**City is trinidad or trin, Date Between 10/5/2020 and 10/11/2020**

10/13/2020

Date	Inc #	Type	Time	Location	Dispositio
10/11/2020	2010110005	VEHI	00:57:30	SCENIC DR	Cited
10/11/2020	2010110009	33X	01:32:59	1658 PATRICKS POINT DR	Cancel Per Rp
10/11/2020	2010110011	VEHI	01:54:59	LUFFENHOLTZ RD	Advised to Move Along
10/11/2020	2010110012	PC	02:06:45	122 MAIN ST	Cad Documentation Only
10/11/2020	2010110017	33X	05:32:17	389 MAIN ST	Cancel Per Rp
10/11/2020	2010110033	33X	09:53:00	322 MAIN ST	Cancel Per Rp
10/11/2020	2010110055	INC	12:48:02	.TRINIDAD STATE BEACH	Accidental Dial
10/11/2020	2010110067	DISP	14:06:00	122 MOONSTONE BEACH RD	Cad Documentation Only
10/11/2020	2010110127	VEHI	21:42:31	27 SCENIC DR	Cad Documentation Only
10/11/2020	2010110130	VEHI	21:55:08	27 SCENIC DR	Unoccupied
10/11/2020	2010110132	VEHI	21:58:49	27 SCENIC DR	Field Interview

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results
City is trinidad or trin, Date Between 10/19/2020 and 10/25/2020

10/26/2020

Date	Inc #	Type	Time	Location	Dispositio
10/19/2020	2010190140	TRF	21:23:57	SEAWOOD DR/HIGHWAY 101	OWarned
10/19/2020	2010190141	415	21:26:03	753 PATRICKS POINT DR	Report Taken
10/21/2020	2010210036	ANIMAL	09:04:03	TRINIDAD BEACH	Public Assist
10/21/2020	2010210079	911M	13:29:26	N WESTHAVEN DR/RAVEN RID	Cad Documentation Only
10/21/2020	2010210120	911M	16:00:31	199 N WESTHAVEN DR	Cad Documentation Only
10/21/2020	2010210130	CWS	17:01:28	1028 8TH AVE	Report Taken
10/22/2020	2010220042	ANIMAL	10:37:25	COLLEGE COVE PARK	Cancel Per Rp
10/22/2020	2010220102	594	16:33:08	CLAM BEACH DR	Scheduled Incident Created
10/22/2020	2010220114	INC	17:24:19	27 SCENIC DR	Phone Malfunction
10/22/2020	2010220119	UNW	18:10:04	27 SCENIC DR	Arrest Made
10/22/2020	2010220131	INFO	20:10:02	287 S WESTHAVEN DR	Cad Documentation Only
10/22/2020	2010220139	XFER	22:43:54	27 SCENIC DR	Xfer to Medical
10/23/2020	2010230002	INV	01:01:05	27 SCENIC DR	Public Assist
10/23/2020	2010230014	PC	04:04:10	29 RAYIPA LN	Gone On Arrival
10/23/2020	2010230019	DISP	04:44:00	29 RAYIPA LN	Cad Documentation Only
10/23/2020	2010230021	594	06:00:38	CLAM BEACH DR	Online Report
10/23/2020	2010230061	HYPO	11:14:42	BIG LAGOON RANCH RD/LYND	Cad Documentation Only
10/23/2020	2010230069	ANIMAL	12:17:34	MOONSTONE BEACH RD	Unable to Locate
10/23/2020	2010230163	INV	19:25:16	3452 PATRICKS POINT DR	Unable to Locate
10/23/2020	2010230189	XFER	23:47:52	851 OX LN	Xfer to Medical
10/24/2020	2010240001	44	00:02:59	851 OX LN	Cad Documentation Only
10/24/2020	2010240039	911M	09:16:02	357 MAIN ST	Accidental Dial
10/24/2020	2010240072	TPAT	12:08:32	.TRINIDAD	No Report
10/25/2020	2010250030	CIVIL	08:44:14	64 SCENIC DR	Cad Documentation Only
10/25/2020	2010250070	459V	13:10:27	1 BAKER RANCH RD	Pending Recontact From Rp

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results

City is trinidad or trin, Date Between 10/12/2020 and 10/18/2020

10/19/2020

Date	Inc #	Type	Time	Location	Dispositio
10/12/2020	2010120031	WELF	07:51:34	322 MAIN ST	Advised to Move Along
10/12/2020	2010120043	594	08:58:28	(UNKNOWN ADDRESS)	Negative Contact Made
10/13/2020	2010130004	PC	02:13:02	MOONSTONE BEACH RD	Cad Documentation Only
10/13/2020	2010130007	TPAT	02:23:59	100 MAIN ST	No Report
10/13/2020	2010130039	VEHI	10:27:51	130 SCENIC DR	Marked For Abatement
10/13/2020	2010130137	XFER	18:50:49	PATRICKS POINT DR/US HWY	Xfer to Fire
10/13/2020	2010130141	459V	19:11:46	1 BAKER RANCH RD	Report Taken
10/13/2020	2010130152	459V	19:58:10	WESTHAVEN DR	Cad Documentation Only
10/13/2020	2010130160	PC	21:46:34	122 MOONSTONE BEACH RD	Public Assist
10/14/2020	2010140040	CAMP	09:39:31	999 SCENIC DR	Cad Documentation Only
10/14/2020	2010140056	ASSISTP	10:42:15	SCENIC DR	Unable to Locate
10/14/2020	2010140068	459R	12:03:33	470 TRINITY ST	Report Taken
10/14/2020	2010140105	ANIMAL	15:28:35	122 MOONSTONE BEACH RD	Gone On Arrival
10/15/2020	2010150001	WELF	00:17:02	27 SCENIC DR	Public Assist
10/15/2020	2010150005	10851R	00:51:29	MAIN ST/SCENIC DR	Agency Assist
10/15/2020	2010150010	UNW	03:43:57	101 MAIN ST	Advised to Move Along
10/15/2020	2010150011	PC	04:08:12	122 MOONSTONE BEACH RD	Field Interview
10/15/2020	2010150031	PC	09:00:18	SCENIC DR	Marked For Abatement
10/15/2020	2010150037	TPAT	09:24:50	.TRINIDAD	No Report
10/15/2020	2010150079	PARK	11:01:06	584 PACIFIC CT	Cad Documentation Only
10/15/2020	2010150094	488	11:57:43	389 MAIN ST	Report Taken
10/15/2020	2010150120	ASSISTA	13:30:51	HIGHWAY 101 OFF RAMP/WES	Not as Reported
10/15/2020	2010150145	WELF	15:30:58	SCENIC DR/MAIN ST	No Report
10/15/2020	2010150175	WELF	18:41:14	439 N WESTHAVEN DR	Cad Documentation Only
10/15/2020	2010150177	SUSPV	18:48:51	MAIN ST	Public Assist
10/16/2020	2010160008	VEHI	01:05:00	100 SCENIC DR	Marked For Abatement
10/16/2020	2010160036	20002	09:07:36	201 MAIN ST	Report Taken
10/16/2020	2010160051	TPAT	10:50:59	.TRINIDAD	No Report
10/16/2020	2010160057	TRF	11:22:05	HIGHWAY 101 OFF RAMP/PAT	Cited
10/16/2020	2010160059	415MW	11:37:09	199 N WESTHAVEN DR	Public Assist
10/16/2020	2010160112	415MW	17:13:55	PATRICKS POINT DR	Gone On Arrival
10/16/2020	2010160135	XFER	19:14:34	273 ROUNDHOUSE CREEK RD	Xfer to Fire
10/16/2020	2010160156	SUSPV	21:58:53	TRINIDAD FRONTAGE RD/ALD	Public Assist
10/17/2020	2010170070	FU	11:59:30	201 MAIN ST	Supplemental Taken
10/17/2020	2010170086	PC	13:40:39	584 PACIFIC CT	Public Assist
10/18/2020	2010180003	33X	00:13:19	1658 PATRICKS POINT DR	Cancel Per Rp
10/18/2020	2010180036	ANIMAL	10:53:26	LUFFENHOLTZ RD/SCENIC DR	Unable to Locate
10/18/2020	2010180145	243E	23:37:04	473 QUARRY RD	Negative Contact Made

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results**City is trinidad or trin, Date Between 10/26/2020 and 11/1/2020**

11/03/2020

Date	Inc #	Type	Time	Location	Dispositio
10/26/2020	2010260002	ASSISTA	00:50:16	SCENIC DR/MAIN ST	Agency Assist
10/26/2020	2010260034	FU	09:47:29	3602 PATRICKS POINT DR	Public Assist
10/26/2020	2010260036	ASSISTP	09:52:05	609 S WESTHAVEN DR	Briefing Information
10/26/2020	2010260051	PROPF	11:20:54	COLLEGE COVE PARK	Cad Documentation Only
10/26/2020	2010260052	XFER	11:25:35	753 PATRICKS POINT DR	Xfer to Medical
10/26/2020	2010260062	459V	13:04:07	LUFFENHOLTZ RD	Pending Recontact From Rp
10/26/2020	2010260114	XFER	18:33:17	MAIN ST/STATE HWY 101 ON	Xfer to CHP
10/26/2020	2010260136	XFER	21:45:11	US HWY 101 ON RAMP	Xfer to CHP
10/26/2020	2010260141	INC	22:14:35	.TRUCK RD	Cad Documentation Only
10/26/2020	2010260147	PC	23:48:44	122 MOONSTONE BEACH RD	Cad Documentation Only
10/26/2020	2010260148	PC	23:49:00	SCENIC DR	Cad Documentation Only
10/27/2020	2010270043	SHOTSH	10:37:09	(UNKNOWN ADDRESS)	Cad Documentation Only
10/27/2020	2010270068	WELF	12:34:09	500 SEASCAPE LN	Cad Documentation Only
10/27/2020	2010270077	911C	13:47:48	WESTHAVEN RD	Pending Recontact From Rp
10/28/2020	2010280012	XFER	03:27:52	HWY 101/LITTLE RIVER	Xfer to CHP
10/28/2020	2010280064	911C	11:52:57	.TRINIDAD	Accidental Dial
10/28/2020	2010280070	FP	12:31:41	122 MOONSTONE BEACH RD	Unable to Locate
10/28/2020	2010280085	459R	13:09:58	3633 PATRICKS POINT DR	Not as Reported
10/29/2020	2010290117	314	15:11:13	201 MAIN ST	Gone On Arrival
10/29/2020	2010290138	ANIMAL	18:13:09	656 FERNCREST RD	Scheduled Incident Created
10/29/2020	2010290145	WELF	18:51:19	389 MAIN ST	Gone On Arrival
10/30/2020	2010300013	245	05:11:44	850 S WESTHAVEN DR	Report Taken
10/30/2020	2010300023	ANIMAL	07:00:43	656 FERNCREST RD	Warned
10/30/2020	2010300074	TPAT	13:19:44	.TRINIDAD	No Report
10/30/2020	2010300101	CIVS	14:55:19	STAGECOACH RD	Good Service
10/30/2020	2010300102	33X	15:01:25	115 TRINIMA RD	Billable Alarm
10/30/2020	2010300114	AWS	15:43:55	760 8TH AVE	Negative Contact Made
10/30/2020	2010300148	FUSUSP	20:14:19	760 8TH AVE	Negative Contact Made
10/31/2020	2010310063	PARK	12:25:44	560 EDWARDS ST	Admonished
10/31/2020	2010310065	911M	12:35:49	575 N WESTHAVEN DR	Accidental Dial
10/31/2020	2010310129	SUSPC	19:14:40	HIGHWAY 101 OFF RAMP/HIG	Unable to Locate
10/31/2020	2010310132	XFER	19:30:27	HIGHWAY 101 OFF RAMP/SEA	Xfer to CHP
11/01/2020	2011010027	SUSPC	05:37:41	131 MA-WE MORE VIEW LN	Advised to Move Along
11/01/2020	2011010031	TRF	06:09:29	SCENIC DR/MAIN ST	Warned
11/01/2020	2011010050	415	10:03:19	27 SCENIC DR	No Report
11/01/2020	2011010074	33X	13:43:32	513 TRINITY ST	Cancel Per Rp
11/01/2020	2011010085	911M	15:03:58	692 UNDERWOOD DR	Accidental Dial
11/01/2020	2011010119	911C	19:22:32	27 SCENIC DR	Pending Recontact From Rp
11/01/2020	2011010120	ASSISTA	19:31:21	27 SCENIC DR	Cited
11/01/2020	2011010126	FU	20:24:21	850 S WESTHAVEN DR	Negative Contact Made
11/01/2020	2011010128	XFER	20:38:55	HIGHWAY 101 OFF RAMP/CLA	Xfer to CHP



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION ATTACHED

4. Second Reading of Ordinance 2020-02; Amending Section 3.20.100 Regarding Transient Occupancy Tax Recordkeeping

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF TRINIDAD, SECTION 3.20.100 OF THE TRINIDAD MUNICIPAL CODE REGARDING RECORDKEEPING.

The Trinidad City Council does hereby ordain as follows:

ORDINANCE 2020-02, SECTION 1:

Section 3.20.100 of the Trinidad Municipal Code is hereby amended as follows:

Title 3, Chapter 20: Tourist Occupancy Tax

Section 100: Record keeping

- A. It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of five years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times. [Ord. 92-1 § 1, 2/15/92].
- B. Purpose and Performance of the Audit: Operators should be aware that they are subject to audit. Audits are necessary to determine whether operators are accurately reporting occupancy tax and promote compliance. No matter which city department may perform the audit, requests are at the tax collector's discretion.
- C. When to Perform an Audit: Audits may be performed at the following suggested intervals:
 - 1. Any time the tax collector believes an operator is underreporting.
 - 2. When there is a pending change in lodging house ownership.
 - 3. Any time the tax collector believes the business may be subject to the tax but has not registered.
 - 4. At regular intervals, with the time between audits dictated by the number of lodging houses to be audited or staff available to audit.

ORDINANCE 2020-02, SECTION 2:

This Ordinance shall take effect 31 days following adoption.

PASSED AND ADOPTED by the City Council of the City of Trinidad, State of California, on October 13, by the following vote:

AYES:	West, Clompus, Grover, Davies
NOES:	None
ABSTAIN:	Ladwig
ABSENT:	None

First Reading: Tuesday, October 13, 2020

Second Reading:

Attest:

Gabriel Adams
Trinidad City Clerk

Steve Ladwig
Mayor



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION ATTACHED

5. Discussion/Decision regarding SB2 Housing/Planning Grant – SHN Scope of Work.

AGENDA ITEM
November 10, 2020

Item: SB2 Housing/Planning Grant – SHN Scope of Work

SB 2 (2017) was part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, SB 2 established a permanent source of revenue intended to increase the affordable housing stock in California. It included the Building Homes and Jobs Act, which established a \$75 recording fee on real estate documents to increase the supply of affordable homes in California.

Planning Grants Program (PGP) is a one-time component of SB 2 that, among other provisions, provides financial and technical assistance to local governments to update planning documents in order to:

- Accelerate housing production;
- Streamline the approval of housing development affordable to owner and renter households at all income levels;
- Facilitate housing affordability, particularly for all income groups;
- Promote development consistent with the State Planning Priorities; and
- Ensure geographic equity in the distribution and expenditure of allocated funds

The City submitted an application for \$160,000 (the maximum allowed for a City the size of Trinidad) in grant funding. The grant tasks include the following:

1. Parking Study
2. Housing Element Update (mostly complete)
3. ADU Ordinance
4. New ADU/Residential Design Standards/Procedures

The tasks are designed to meet both HCD and Coastal Act requirements. Although Trinidad can accommodate only limited additional housing units due to water and septic constraints, there are still things the City can do to provide additional housing opportunities and meet State goals and requirements. This is important because the State has adopted new housing mandates and is increasing the punitive consequences for non-compliance.

Attachments

SHN Agreement of Services & Scope of Work for SB2 Housing/Planning Grant

Recommended Action:

Approve the attached sub-agreement and scope of work for SHN.

Agreement for Services between City of Trinidad and SHN

For

the SB2 Housing/Planning Grant

Introduction

This agreement for services (Agreement), dated _____, 2020 is between the City of Trinidad (City) and SHN to provide assistance with the SB 2 Housing/Planning Grant Project. The goal of this project is to accelerate the production of housing and to bring the City into compliance with HCD and Coastal Commission requirements. This agreement is based on a prime agreement between the City of Trinidad and SHN/Streamline Planning Consultants dated May 12, 2015 (or any more current agreement that replaces that one). All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

TERMS AND CONDITIONS

In addition to the terms and conditions outlined herein, the terms and conditions of this agreement shall be in accord with and encompass those terms and conditions set forth in the SB2 Planning Grant Agreement, attached hereto as Exhibit A.

SCOPE OF WORK, SCHEDULE AND DELIVERABLES

SHN will complete tasks in accordance with the Exhibit A, as may be amended by the granting agency. Grant Agreement, Schedule E: Project Description and Schedule F: Project Timeline and Budget. Assumptions:

Grant Project Tasks are as follows:

Task 1 Parking Study

Begin 1/1/2021; End 9/30/2021

Task 1 Deliverables

- Parking Study Data and Analysis, 7/31/2021
- Parking Study Recommendations and Report 9/30/2021

Task 2: Update Housing Element

Begin 4/1/2020; End 3/31/2021

Task 2 Deliverables

- Housing Element Updated Data, due 6/30/2020
- Draft Housing Element, due 10/31/2020
- Housing Element Hearing, due 1/31/2021
- City Adopted Housing Element, due 3/31/2021

Task 3: Develop and adopt new ADU regulations

Begin 2/1/2021; End 12/31/2021

Task 3 Deliverables

- Draft ADU Ordinance, due 7/31/2021
- Amended ADU Ordinance, due 10/31/2021
- ADU Hearing, due 12/31/2021
- Adopted ADU Ordinance, due 12/31/2021

Task 4: Develop Objective ADU/Residential Design Standards

Begin 10/1/2020; End 8/30/2021

Task 4 Deliverables

- New ADU/Residential Design Standards/Procedures, due 3/31/2021
- Pre-Approved ADU Plans, due 6/30/2021
- Revised Zoning Ordinance/DR Guidelines, due 8/30/2021

Compensation

SHN will complete this scope of services on a time and materials basis. SHN will work with the City to provide the above defined tasks within the budget available to the extent possible. SHN invoices will be submitted upon subtask completion and are due and payable by the City within 21 days after the City is reimbursed by the State. Total compensation to SHN for this project is not to exceed \$145,000. The final invoice for must be received on or before February 25, 2022. Actual costs for each task estimated below may vary. The SHN budget is broken down as follows:

Task	Description	Completion Date	Fee
Task 1	Parking Study and Report	9/30/2021	\$53,000
Task 2	Update Housing Element	3/31/2021	\$32,500
Task 3	ADU Regulations	12/31/2021	\$30,000
Task 4	ADU/Residential Design Standards/Procedures	8/30/2021	\$28,000
Task 5	Grant Administration	12/31/2021	\$1,500
	Total:		\$145,000

SCHEDULE

Agreement date: 10/16/20 Work Completion Date: 1/31/2022

Eligible costs incurred for work after the NOFA date (March 28, 2019), continued past the date of the Standard Agreement (9/3/20) and completed during the grant term are eligible for reimbursement.

Agreed

Eli Naffah

Date

Bob Brown

Date

Trinidad City Manager

SHN Engineering

City of Trinidad Account Tracking Number: **213 SB2 Planning Grant**



DISCUSSION AGENDA ITEM

SUPPORTING DOCUMENTATION ATTACHED

1. Update/Presentation from the Greater Trinidad Chamber of Commerce



DISCUSSION AGENDA ITEM

SUPPORTING DOCUMENTATION ATTACHED

2. Discussion/Decision regarding Alleged Brown Act Violation Letter Sent by the Trinidad Rancheria.

November 5, 2020

Timothy C. Seward
Hobbs, Straus, Dean & Walker, LLP
1903 21st Street, 3rd Floor
Sacramento, CA 95811

Re: Cure and Correction of Past Actions of the Trinidad City Council

Dear Mr. Seward:

The City Council for the City of Trinidad has received your cease and desist letter dated October 29, 2020 and received on November 3, 2020, alleging that the following described past action of the legislative body violated the Ralph M. Brown Act:

A quorum of the Trinidad City Council met in closed session with representatives of the Yurok Tribe without a statutory basis for a closed session meeting and without giving the required notice to the public for a closed session meeting.

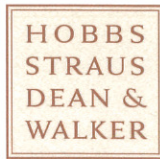
In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Trinidad City Council hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The Trinidad City Council may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

The Trinidad City Council wishes to further assure you that absolutely no action was taken by the Trinidad City Council at the meeting between the City Council and representatives of the Yurok Tribe on September 22, 2020, nor any commitments made by the Council as to any issue or future matter.

Very Truly Yours,

Steve Ladwig, Mayor



1903 21st Street, 3rd Floor
Sacramento, CA 95811
T 916.442.9444
F 916.442.8344
HOBBSSTRAUS.COM

October 29, 2020

RECEIVED

NOV 03 '20

CITY OF TRINIDAD

Steve Ladwig, Mayor
Members of the Trinidad City Council
c/o Gabriel Adams, City Clerk
409 Trinity Street
P.O. Box 390
Trinidad, CA 95570

Re: Cease and Desist Letter and Written Demand to Cure and Correct Past Actions Regarding the Trinidad City Council Meetings in Violation of the Brown Act

Dear Mayor Ladwig and Members of the City Council:

On September 22, 2020, a full quorum of the City Council of the City of Trinidad ("City Council") met in closed session with representatives of the Yurok Tribe in violation of the Ralph M. Brown Act ("Brown Act"). On behalf of our client, the Cher-Ae Heights Indian Community of the Trinidad Rancheria ("Trinidad Rancheria"), we submit this letter to serve as a cease and desist letter and a written demand to cure and correct the City Council's actions in violation of the Brown Act.

Trinidad City Council's September 22, 2020 Closed Session Meeting with the Yurok Tribe

The City Council posted a notice that the City Council would hold a special meeting on September 22, 2020, at 6:00 pm. The notice stated that there would be one agenda item—consultation with the Yurok Tribe, which had requested a government-to-government meeting between the City Council and the Yurok Tribal Council. There was no notice of a closed session meeting between the Yurok Tribe and the City Council.¹ Attached to the notice was an agenda the City Council had received from the Yurok Tribe on September 18, 2020,² which included the following items for discussion:

- Tsurai Management team
- Consultation with the [Yurok Tribe] in general
- Trinidad Trails committee
- Land Transfer
- Van Wycke & Galindo Trails
- Water for Casino.

¹ There was a separately posted call and notice for a City Council closed session meeting held at 5:00 pm with the City's recently retained legal counsel regarding pending litigation filed by the City (*City of Trinidad v. Tsurai Ancestral Society et al.*, Case No. DR 180684).

² A copy of the City Council's meeting notice with the attached Yurok Tribe agenda is enclosed with this letter.

The City Council meeting came to order on or about 6:00 pm on September 22, 2020, with a quorum of the City Council. During the meeting, the representatives from the Yurok Tribal Council requested that the City Council go into closed session to discuss the issues on the Yurok Tribe's agenda. The City Council, adopted a motion to conduct a closed session meeting with a full quorum of the City Council and representatives of the Yurok Tribe to discuss the matters on the Yurok Tribe's agenda. The motion did not cite any statutory basis for conducting a closed session meeting.

The public meeting, which was being conducted on the Webex platform, was terminated, and the City Council conducted a separate meeting with the Yurok Tribe, which was not open to the public. At the City Council's meeting on October 13, 2020, the City Council confirmed that all five members of the City Council attended the closed session meeting with the Yurok Tribe.

The City Council Failed to Provide the Notice Required for a Closed Session Meeting.

The Brown Act requires that City Council meetings be noticed, including an agenda "containing a brief general description of each item of business to be transacted or discussed at the meeting, *including items to be discussed in closed session.*"³ (Emphasis added.) Government Code Section 54954.5 sets out examples of closed session agenda items that will substantially comply with the requirements for both regular meetings and special meetings. The call and notice required for a special meeting must specify the business to be transacted or discussed, and no other business shall be considered at these meetings by the legislative body.⁴

The notice and call for the September 22, 2020, special meeting did not include any reference to the City Council holding a closed session meeting, and therefore no description of the business to be transacted or discussed in closed session was provided in the notice. Thus, the City Council's decision to conduct a closed session meeting with representatives of the Yurok Tribe was in clear violation of the notice requirements set forth in the Brown Act.

There Was No Statutory Basis for a Quorum of the City Council to Conduct a Closed Session Meeting with Representatives of the Yurok Tribe.

The Brown Act requires that all meetings of the legislative body of a local agency must be open and public, and all persons must be permitted to attend any meeting of the legislative body of a local agency, except as expressly authorized by the Brown Act.⁵ The Brown Act expressly identifies those circumstances in which a legislative body may meet in closed session, and the topics on the Yurok Tribe's agenda do not satisfy any of the requirements for closed session meetings. Further, the City Council did not cite any statutory basis for conducting a closed session meeting of a quorum of the City Council with representatives of the Yurok Tribe.

³ See Cal. Gov. Code § 54954.2(a)(1).

⁴ *Id.* at § 54956(a).

⁵ *Id.* at § 54953(a).

Although the Yurok Tribe representatives asserted that items on their agenda were purportedly confidential cultural matters of the Yurok Tribe, absent a statutory basis in the Brown Act for the closed session meeting of the full City Council, the closed session meeting was unlawful. The Tribal Consultation Guidelines, Supplement to General Plan Guidelines issued by the Governor's Office of Planning and Research on November 14, 2005 ("Guidelines") provide guidance on how local governments may conduct the government-to-government consultation required by SB 18, which may include matters involving confidential cultural resources. The Guidelines directly address compliance with the Brown Act, and advise that "none of [the exceptions providing for closed meetings] would allow the quorum of a local legislative body to participate in tribal consultations within a closed meeting."⁶ Further the Guidelines state that, "[s]hould a local legislative body participate in confidential tribal consultations, it is important that they *do so as an advisory committee with less than a quorum*, so as to not invoke the Brown Act's requirements of public participation (see Government Code §54952(b))."⁷ (Emphasis added.) The Guidelines also caution that "any decisions made by the quorum of the body within a closed meeting would be rendered invalid."⁸ In fact, the City Council has used an advisory committee of the City Council to conduct government-to-government meetings with the Trinidad Rancheria, and does not conduct closed session meetings between a quorum of the City Council and the Trinidad Rancheria.⁹

Although several of the topics on the Yurok Tribe's proposed agenda involve tribal cultural resources, and those resources are the subject of pending litigation, the exception permitting a closed session meeting about pending litigation is not applicable because it permits a legislative body to meet in closed session to confer with, or receive advice from, its legal counsel¹⁰ regarding such matters, and the City's legal counsel did not participate in the closed session meeting. Further, we fail to see how the City's water service to the Trinidad Rancheria's casino would implicate confidential cultural concerns of the Yurok Tribe, and the closed session meeting with the Yurok Tribe to discuss the City's contractual relationship with the Trinidad Rancheria raises substantial concerns about potentially tortious activity involving interference with contractual relations. Moreover, the City Council's decision to discuss such matters with the Yurok Tribe in closed session stands in stark contrast to the City Council's earlier motion requiring any discussion of the City's water service to the Trinidad Rancheria be in an open City Council meeting.¹¹

⁶ See Guidelines at 27. Available at <http://nahc.ca.gov/wp-content/uploads/2019/04/SB-18-Tribal-Consultation-Guidelines.pdf>.

⁷ *Id.*

⁸ *Id.*

⁹ We understand that the City Council's use of an advisory committee to conduct government-to-government meetings with the Trinidad Rancheria was also based on the advice of the City Council's former legal counsel.

¹⁰ See Cal. Gov. Code § 54956.9. The exception permitting a closed session meeting prior to the sale or conveyance of real property is also inapplicable, because that exception is to permit a closed session with the legislative body's negotiator regarding the price and terms of payment. See *Id.* at § 54956.8.

¹¹ This motion was approved at the City Council meeting of May 21, 2020.

Because there was no statutory basis for a quorum of the City Council to conduct the closed session meeting with representatives of the Yurok Tribe on September 22, 2020, the closed session meeting was in direct violation of the Brown Act, and any actions taken in the meeting, including any commitments or promises of a majority of the City Council members to take action,¹² are null and void, unless cured or corrected by a subsequent action of the City Council.¹³

The City Council's Closed Session Raises Serious Questions Under the Equal Protection Clause.

In addition to violating the Brown Act, the City Council, by conducting this closed session meeting with the Yurok Tribe, has once again engaged in actions that implicate the Trinidad Rancheria's right to equal protection of the laws under the Equal Protection Clauses of both the United States Constitution and the California Constitution. *See, e.g.,* the Trinidad Rancheria's cross-complaint in the matter of *City of Trinidad v. Tsurai Ancestral Society et al.* The Trinidad Rancheria and the Yurok Tribe are similarly situated, as federally recognized tribes whose cultural ancestors are the historic Yurok people and who share overlapping ancestral territory. In contrast to the City Council's motion of May 21, 2020, requiring that any discussions related to the City's water service to the Trinidad Rancheria be conducted in an open City Council meeting, the City Council approved conducting the September 22, 2020, meeting with the Yurok Tribe to discuss, among other things, the City's water service to the Trinidad Rancheria, in closed session. Moreover, the City Council's closed session meeting with representatives of the Yurok Tribe also included discussion of the Tsurai Management Team and potential conveyance of the Tsurai Study Area. By conducting such a closed session meeting of a quorum of the City Council, and excluding the Trinidad Rancheria, while holding meetings with the Trinidad Rancheria to a different standard (i.e., only in open session), the City has engaged in disparate and unequal treatment of these similarly situated federally recognized Indian tribes and violated the rights of the Trinidad Rancheria and its members to equal protection of the laws.

Demand to Cease and Desist and Cure and Correct the Past Actions

In accordance with Section 54960.2 of the Government Code, the Trinidad Rancheria demands that the City Council approve and direct the Mayor to sign a letter that sets forth an unconditional commitment to cease and desist from conducting future meetings in closed session with a quorum of the City Council and representatives of the Yurok Tribe. In addition, the Trinidad Rancheria, in accordance with California Government Code § 54960.1, demands that the City Council disavow any actions the City Council may have taken, which includes any

¹² The Brown Act defines the term "action taken" to include "a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." *Id.* at § 54952.6


¹³ *Id.* at § 54960.1.

commitment or promise of a majority of the City Council members to take future action, during the City Council's closed session meeting with the Yurok Tribe. The actions include but are not limited to commitments of the City Council or a majority of the City Council members: (1) to transfer the Tsurai Study Area to the Yurok Tribe and or the Tsurai Ancestral Society; (2) to continue excluding the Trinidad Rancheria from the Tsurai Management Team; and (3) to discontinue existing City water service, or refuse to provide expanded water service to the Trinidad Rancheria.

In accordance with Sections 54960.2 and 54960.1 of the California Government Code, we expect the City Council to provide a response to this letter no later than 30 days after receipt.

Sincerely,

Hobbs, Straus, Dean & Walker, LLP

By: 
Timothy C. Seward

Enclosure

cc/enc: Garth Sundberg, Tribal Chairman,
Cher-Ae Heights Indian Community of the Trinidad Rancheria



Posted: September 18, 2020

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a Special Meeting on
TUESDAY, SEPTEMBER 22, 2020, at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

THIS SPECIAL MEETING WILL BE HELD VIA VIDEOCONFERENCE

In accordance with Executive Order N-29-20 this meeting will be held via videoconference, and will be hosted on the **GO TO MEETING PLATFORM**.

PUBLIC COMMENT: Public comment may be submitted via email in advance of the meeting, or in an orderly process during the conference. If you do not have access to email and you would like to provide a written statement, please deliver your comment to 409 Trinity Street, Trinidad CA, by 2:00pm on the meeting day.

Email public comments to cityclerk@trinidad.ca.gov. Your comments will be included in the public record for the meeting, and will be accepted at any time during the meeting.

HOW TO PARTICIPATE: The City will publish a direct link to the conference, along with the participant code, on the City Calendar page online at <http://trinidad.ca.gov/calendar>

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **APPROVAL OF AGENDA**
- IV. **CONSENT AGENDA - None**
- V. **DISCUSSION/ACTION AGENDA ITEMS**

- 1. Consultation with the Yurok Tribe.
The Yurok Tribe has requested a Government-to-Government meeting between the City Council and the Yurok Tribal Council. The City received the attached agenda from the Yurok Tribe on Friday, September 18, with a variety discussion topics proposed. The City intends to listen and discuss the issues of concern to the Yurok Tribe.
- 2. Comments from the City Council
- 3. Future Agenda Items

- VI. **ADJOURNMENT**



**YUROK TRIBAL COUNCIL
CITY OF TRINIDAD
GOVERNMENT TO GOVERNMENT
TUESDAY, SEPTEMBER 22, 2020
ONLINE**

<https://www.gotomeet.me/yuroktribe/yurok-council--trinidad-city-council>

- I. ROLL CALL** **6:00pm**
- II. OPENING PRAYER**
- III. REVIEW AGENDA/ADDITIONS/APPROVAL**
- IV. TRIBAL MEMBER/PUBLIC COMMENT**
- V. EXECUTIVE SESSION**
- VI. AGENDA ITEMS**
- Tsurai Management team
 - Consultation with the Tribe in general
 - Trinidad Trails committee
 - Land Transfer
 - Van Wycke & Galindo Trails
 - Water for Casino
- VII. TRIBAL MEMBER/PUBLIC COMMENT**
- VIII. CLOSING PRAYER**
- IX. ADJOURN**



DISCUSSION AGENDA ITEM

SUPPORTING DOCUMENTATION ATTACHED

3. Discussion/Decision regarding Appeal of CDP 2020-01; Planning Commission Approval to Temporarily Close the Van Wycke Trail

DISCUSSION AGENDA ITEM

November 10, 2020

Item: Appeal of Planning Commission Approval of Trinidad 2020-01

The application involves a proposal by City staff to issue a Coastal Development Permit (CDP) for after-the-fact and continued temporary closure of a portion of the Van Wycke Trail as was requested by the City's insurance company due to safety concerns. Detailed project background and information can be found in the attached staff report. This proposal was considered by the Planning Commission at a duly noticed public hearing on July 15 and continued to August 19, 2020. At the August meeting, the Planning Commission approved the project by a 4-0 vote. Several people attended the meeting and/or wrote letters in opposition of the proposal. However, staff still recommended approval based on the PARSAC report and recommendations; if the trail is not closed, the City may not be covered should a claim be made. In addition, the closure is only temporary, and allows time for the City to explore repair options.

There are a couple of potential conflicts of interest that should be considered. Councilmembers Grover and Clompus both live within 300 ft. of the project. Under the Political Reform Act, there is a presumed financial conflict of interest if an official owns interest in real property within 500 ft. of a project (300 ft. in small jurisdictions under certain conditions). Councilmember Grover is a renter and Councilmember Clompus is an owner. Councilmember Clompus' property is just over 200 ft. from the western end of the trail closure. Because the financial conflict is presumed, an official can rebut that presumption if they determine their financial interest will not be affected one way or the other by the project. Otherwise, they have to recuse themselves from the decision.

Commissioner Grover is a renter, and therefore may not have any financial interest in the project. However, the City's Code of Ethics states: *"Council members and Planning commissioners need to be above suspicion. When a public official participates in a decision that does not fall within the specific statutory guidelines for conflicts of interest but still does not "look" or "feel" right, that public official has probably encountered "the appearance of impropriety". For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, public officials may need to step aside, for the good of the community, even though no technical conflict exists."* One of the concerns that has repeatedly been brought up by members of the public is that the trail closure is being done at the request of adjacent property owners/residents. Staff can assure the Council that is not the case, as documented by the PARSAC risk assessment and correspondence, but the issue should be considered in light of the City's ethics code.

In addition to the concerns regarding the motives for the proposal, members of the public also expressed concern that this temporary closure may turn into a permanent closure, which was not specifically addressed in the previous staff report. While the City may eventually determine that the only feasible option is to permanently close the trail, this approval for temporary closure will not make that decision any easier. For one, a permanent closure would require not just a CDP, but a Local Coastal Program (LCP) amendment prior to issuance of a CDP, because this trail is included in the existing LCP/general plan. An LCP amendment would need to be approved by the Planning

Commission, City Council and Coastal Commission. Initial discussions with Coastal Commission staff indicate that such a proposal would need to be accompanied by a robust alternatives analysis showing that keeping the trail open is not feasible, and that alternative access will be provided. Only then could the City process a CDP for permanent closure.

In terms of procedure and action, the City Council can uphold or deny the appeal, or modify the Planning Commission's decision through additional conditions of approval or other means. It is staff's opinion that the required findings can be made and further recommends that a longer closure period be granted, because a solution to the slide and repair will likely not be agreed upon within six months, let alone constructed. **Staff recommends approval of the application with a modified condition extending the closure to one year after approval.**

If the Council wishes to approve the proposal, it is suggested that the motion be worded to deny the appeal and uphold the Planning Commission decision. On the other hand, a denial of the proposal and upholding the appeal should be based on not being able to make one or more of the required findings or an additional finding that the project is not consistent with one or more City LCP or Coastal Act policies. The Council may also elect to continue the item in order to request additional information.

The following documents related to this project are available and relevant to the appeal. Everything but the July staff report is included in your packet; the August staff report simply added to what was in the July staff report.

- July staff report (plus attachments)
- Public comment letters for the July Planning Commission meeting
- Minutes of the July Planning Commission meeting
- August revised /final staff report (plus attachments)
- Public comment letters for the August Planning Commission meeting
- Minutes of the August Planning Commission meeting
- Appeal letter

Recommended Action:

Consider the application materials, the appeal, and other documentation; open the public hearing; discuss and take action on the appeal.

Council Motion

Staff recommends that the City Council deny the appeal and uphold the Planning Commission action. If the Council agrees with the staff recommendation, a motion may be similar to the following:

Based on application materials information included in the Staff Report, this memo and other documentation, and based on public testimony, I find that the proposed action is consistent with the City's certified LCP and other applicable regulations, and I move to uphold the Planning Commission action, deny the appeal, and approve the application as proposed, modifying the condition limiting the approval to six months to authorize closure for one year from approval.

From: [Stanley Binnie](#)
To: [Trinidad City Clerk](#)
Subject: Appeal of CDP 2020-01 to Close Van Wycke Trail
Date: Tuesday, August 25, 2020 12:57:44 PM

Gabe, please forward the following appeal to the City Council. Trevor Parker has informed me there is no fee to appeal this decision to the City Council.
Thank you, Kim

Dear Trinidad City Council,

Please accept my timely appeal of the Planning Commission's 8-19-20 decision to approve CDP 2020-01 regarding the temporary closure of the Van Wycke Trail (VWT). The VWT has already been closed for over a year without the benefit of a public hearing or Coastal Development Permit (CDP) and should remain open to the public (with the appropriate warning signs), while the community works together to find solutions to fix or move the trail.

Closing the VWT for 6-months and routing walkers onto Edwards Street is problematic for many reasons:

- (1) It would close off important, safe coastal public access,
- (2) Edwards has not been improved for safe pedestrian access to the harbor, pier, beaches, Trinidad Head, Seascape Restaurant, etc.
- (3) Pedestrians would have to contend with high volumes of traffic, residents driving in and out of driveways, and bicyclists riding uphill. This route would be especially dangerous for people with children or dogs,
- (4) There are no definitive plans for trail repair,
- (5) There is no definitive timeline to make repairs and reopen the trail,
- (6) There are no assurances the trail will be reopened after 6 months,
- (7) The VWT has already been closed for over a year without a public hearing or CDP,
- (8) Edwards will not provide the same hiking experience as the VWT, and
- (9) No traffic or parking studies have been done to determine the risks of routing pedestrians onto Edwards.

The public is questioning the need to close the VWT when PARSAC's report states that: *Overall, the City has a low experience for both liability and workers' compensation programs. [...] The City's injury rate is well below the PARSAC average.* The report also states: *Although the City may have trail immunity under California Government Code 831.4, which shields public entities from liability when injuries are suffered by those using public property for recreational purposes, the City should take reasonable care to prevent injuries and provide notice of potential hazards to visitors.* (See pages 38 and 40 of 8-19-20 Planning Commission packet.). The City can easily satisfy this recommendation by installing signs with the appropriate language to warn pedestrians of the condition and hazards of the VWT; thereby keeping it open until repairs are made or the trail is moved upslope.

It is ironic that safety / liability concerns are being used to justify closure of the VWT when Edwards Street is more dangerous for pedestrians and could pose greater liability risks for the City. Is PARSAC even aware of the City's rerouting plans? It also seems arbitrary for

PARSAC and the City to recommend closure of the VWT when the Axel Lindgren Memorial Trail (ALM Trail), Parker Creek Trail (PCT) and state park trails (within City limits) are just as hazardous, yet they are not slated for closure. (See Gail Kenny's 8-17-20 letter to the Trinidad City Council and Planning Commission with good photos of the condition of the trails mentioned above.)

Some of us suspect the real reason the City is trying to close the VWT for so long (up to 3 years, in addition to the year plus it has already been closed) is to appease the wishes of adjacent residents/property owners who want the trail closed for their own benefit, effectively privatizing this coastal bluff. A review of public records heightens this suspicion. A Council member (living next to the VWT) wrote to the City Manager on 3-26-20 and expressed an urgent need to close the trail and prohibit its use; even offering to do the work himself. The City Manager replied to him on the same day about his request. (See emails in attached *PRR Van Wycke Trail.pdf*.) Less than 4 months after this Council member's request, the City brought forward a CDP to close the VWT for up to 3 years without any plans to repair or move the trail or a timeline for reopening it. These email communications have created a public perception that the closure of the VWT is more about favoring the wishes of adjacent residents/property owners and less about liability and safety. If liability and safety concerns are the true reasons for closing the VWT, then the other hazardous trails (ALM Trail and PCT) should, theoretically, be closed, too. **I am not promoting closure of these trails. I am simply pointing out the inconsistencies, inequities and questionable decisions to close the VWT over other trails.**

Re: Policy 5 of the Trinidad General Plan: I disagree with staff's claim that "*The project is consistent with this policy.*" The VWT does not traverse a steep slope; it runs on top of a coastal bluff that has been used by locals and visitors for decades. In fact, many residents still walk the VWT and feel safe doing so. There used to be a road along this bluff before it failed, so bluff erosion here and all along the California coast is nothing new—it's an ongoing, natural process. The trail is not causing the bluff to fail; it is failing because of: (1) sea level rise, (2) waves eroding the toe of the bluff, undermining the bluff's stability, (3) high water tables from high-water use and septic systems on private property that exacerbate slippage and slumping, (4) clay materials that act as a lubricant, causing the bluff to move and slide, especially in the rainy season, and (5) recent tree removal on the bluff has made the ground more susceptible to erosion. Coastal bluffs are dynamic, evolving landforms, and these natural processes will continue whether the trail is closed or not.

If there was a suitable, alternative coastal path in this part of town for walkers to access the harbor, pier, beaches Trinidad Head, etc., then closing the VWT for 6 months would not be objectionable. But that is not the case. Pedestrians would be routed onto Edwards where they would have to deal with high volumes of large trucks and SUVs, including commercial delivery trucks, semi-trucks, RV/motorhomes, fishermen hauling crab pots, people hauling boats, etc. Also, traffic on Edwards has worsened in recent years, as more and more people are visiting Trinidad.

The staff report states that the "*closure is only temporary while the City investigates options to improve the trail or provide alternative access.*" The problem is, no trail repair options or definitive dates for reopening the trail have been proposed. And a glaring omission in the staff report is the failure to address the hazards of routing the trail/pedestrians onto Edwards

Street. To better understand the realities of walking on Edwards Street, the City needs to conduct traffic and parking studies to assess the average daily number of vehicles that use Edwards, the size/type of the vehicles, their speeds and their parking habits, along with photo documentation of the Edwards Street environment on various days and times. The City should also evaluate the potential conflict between pedestrians and bicyclists using the south side of Edwards and how co-locating the two uses will impact public safety and access.

Re: Coastal Act Sections 30001.5, 30210, 30211 and 30214(a): I disagree with staff's claims that "*The project is consistent with these sections.*" The trail closure will absolutely interfere with public access, because it removes a safe pedestrian route to the harbor, pier, beaches, Trinidad Head, Seascapes Restaurant, etc. The condition of the VWT poses no greater risk to public safety than directing walkers onto a busy road. In fact, public safety is jeopardized by this project, because no substantive improvements have been made to Edwards Street to make it a safer pedestrian access route. So, staff's claim that "*the Edwards Street route poses less risk than the failing Van Wyck Trail,*" is unfounded, especially when there have been no traffic and parking studies to assess the true risks of routing people onto Edwards Street (which is also used by bicyclists), and no photos were provided to document the traffic at various times of the day, especially Fridays and weekends. Although staff claims "*the City does not have a record of any car / pedestrian incidents,*" the staff report makes no mention of any injuries on the VWT, either.

People should not have to trade a scenic, calm trail (with unobstructed views of the harbor, ocean, coastline and marine life) for an unsafe, busy street where they have to contend with traffic, congestion, huge vehicles, noise and exhaust fumes. Even if there are coastal views on either side of the VWT, the hiking experience is just not the same. Edwards Street is not and never will be a safe, calm and pleasant path for pedestrians.

This brings me to the issue of prescriptive rights and the public's right to use trails that have historically been used for coastal access, even if on private property. With respect to the VWT, locals have been using private property along this trail for decades. Essentially, the adjoining stretch of private property has become a natural extension of the VWT, meaning prescriptive rights have likely been established, so the hiking public may have a legal right to use private property to bypass the slumping area of the VWT. Prescriptive rights need to be investigated, because property owners are putting up their own barricades (such as t-posts with fencing) to block public access. This important issue has been omitted in the staff report. To learn about prescriptive rights, go to: <https://documents.coastal.ca.gov/assets/access/pr-access-facts.pdf>).

The staff report, also, does not discuss any efforts by the City to talk to homeowners about purchasing a strip of land, or securing an easement and accepting liability, so the VWT can be moved upslope, away from the bluff's edge. Because the homes, here, are a good distance from the trail, there would be sufficient space to move the trail upslope without infringing on the homeowners' privacy and use and enjoyment of their properties.

Most trail users understand there are inherent risks in using coastal hiking trails, and that we need to be mindful of trail conditions. Most hikers do not expect perfectly flat, wide and smooth surfaces when we hike in these natural environments. We want to escape our highly urbanized, artificial environments and enjoy the natural beauty of California's coastline.

In light of the above, I am asking the Trinidad City Council to overturn the Planning Commission's approval of CDP 2020-01 and ask that trail signage be installed (with PARSAC's recommended language) to protect the City's trail immunity and to keep the VWT open until a CDP has been issued to allow reasonable and sensitive repairs to the trail. Hopefully, at some point in the future, the City will purchase an easement from adjacent property owners to allow the trail to be moved upslope, away from the fragile bluff edge.

Thank you, Kimberly Tays
Arcata, CA
Email: kimkat067@gmail.com

[PRR Van Wycke Trail.pdf](#)

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(71K)



Application Filed: NA
Staff: Trever Parker
Staff Report: July 6, 2020
Commission Hearing Date: July 15, 2020
Continued Hearing: August 19, 2020
Commission Action: Conditionally Approved

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2020-01

APPLICANT / OWNER(S): City of Trinidad

AGENT: NA

PROJECT LOCATION: Unpaved section of the Van Wycke Trail between Edwards Street and Galindo Street

PROJECT DESCRIPTION: Coastal Development Permit for the past and continued temporary closure of a portion of the Van Wycke Trail due to unsafe conditions

ASSESSOR'S PARCEL NUMBER: NA (Van Wycke Street right-of-way)

ZONING: NA

GENERAL PLAN DESIGNATION: NA

ENVIRONMENTAL REVIEW: Categorically Exempt per § 15304 of the CEQA Guidelines exempting minor alterations of land, including temporary use of land having negligible or no permanent effects on the environment.

APPEAL STATUS: Planning Commission action on a Coastal Development Permit, Variance, Conditional Use Permit, and/or Design Review approval application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project is X / ~~is not~~ appealable to the Coastal Commission per the City's certified LCP and may be appealable per Section 30603 of the Coastal Act.

SITE CHARACTERISTICS:

The project location is within the unpaved portion of the Van Wycke Street right-of-way where a wooden retaining wall that supports a portion of the Van Wycke Trail has failed due to an active landslide. The site is located on the top of the bluff, approximately half-way between Galindo and the intersection of Edwards Streets with upper Van Wycke Street, about 300' east of Galindo. There is a "slump earthflow" in this area that is slowly and continually moving downslope, that has compromised the integrity of the existing retaining wall and the trail beyond simple repairs and maintenance.

Bluff instability has led to the need to stabilize the Van Wycke Trail, which connects the upper and lower portions of Van Wycke Street. This trail connects the two sections of Van Wycke Street, and provides a safe path for non-motorized traffic to reach Trinidad Head and Trinidad State Beach while avoiding this section of Edwards Street, most of which lacks sidewalks and has steady vehicular traffic. The trail is perched along the upper edge of a steep slope and significant earth movement has occurred in places, resulting in the City having to close the trail. A wooden retaining wall built to stabilize the worst section has been gradually torn apart over the last 10 years by the hillside's movement. The worst stretch has sunk more than five feet in just the last few years. At the east end, the concrete encasing the City's stormdrain is serving as the trail surface.

Land uses adjacent to the project include residences upslope and open space downslope. Launcher Beach is located below the bluff.

STAFF COMMENTS:

The CDP is for temporary closure of the trail in order to allow the City to seek funding to either repair the trail or develop options for alternative access. Should the City decide to permanently close the trail, another CDP would be required in addition to an LCP Amendment.

The trail closure will be reviewed by the Trails Committee at their meeting on August 18, 2020, prior to the Planning Commission hearing. Staff provided a summary of the comments and recommendations made by the Trails Committee at the Planning Commission hearing.

Project

The City has previously put up signage warning the public that the trail is unsafe, and use is at their own risk. Upon the request of the City's insurance company, City staff put up signs closing the trail more than a year ago due to the unsafe conditions. Coastal Commission staff since informed the City that the temporary trail closure requires a Coastal Development Permit (CDP). Trail closure, even temporary, falls under the

definition of “development,” which includes “change in the ... intensity of use of land.” Therefore, the City is processing this CDP in order comply with requirements of the Coastal Act.

The closure includes small signs mounted on t-posts, less than 2 sq. ft. in size, warning people that the trail is closed. Ropes have been mounted on t-posts across the trail at each end in order to further discourage usage. Currently, there is orange snow-fencing across the trail as well. This fencing was placed more for the COVID trail restrictions than the safety issue, because people were still using it. However, that fencing was not intended to last more than a few months and has already been compromised by vandals. This CDP does not authorize the continued placement of the snow fencing, and it will be removed.

Purpose

On June 24, 2019, Kin Ong, the General Manager of PARSAC, the City’s insurance company, visited the City and met with the City Manager. After a discussion, he asked to see two areas of concern that needed attention based on a risk assessment prepared in December 2018. After visiting the Van Wycke Trail, he confirmed that it needed to be closed, with signage and a chain, rope or barricade. He also visited the Axel Lindgren Memorial Trail (ALMT) and identified that proper warning signs needed to be posted, but he did not determine that the trail needed to be closed. Kin later sent appropriate wording for the signage to Public Works, which has since been placed on the ALMT.

The bottom line is that if the City does not follow the directives from PARSAC, they will not cover the City if someone is hurt or otherwise makes a claim against the City for damages due to using the trail. Therefore, the City Manager decided to follow the recommendations. City Manager Naffah stated the following regarding the situation:

“Kin made the call re: the trails, I did not. The month before his visit I attended the PARSAC biannual board meeting where millions of dollars in lawsuits against various cities were addressed. The fact that Trinidad has a favorable rating with minimal claims over the years is trend that needs to be continued. We cannot expose the City to lawsuits that our insurance would not cover.”

The PARSAC Risk Management Assessment Report is attached. The verbiage from the attached report that relates to city trails in general and the Van Wycke Trail in particular follows:

From page 4, Executive Summary of report:

General liability claims also poses a significant risk exposure for the City. The City of Trinidad is small, both in terms of population and geography; however, it has many of the same general liability risk exposures of larger cities. This includes exposures related to sidewalk liability, urban forest management, and contractual transfer of risk. Some

exposures that are unique to Trinidad are its scenic coastline and its many natural trails that bring visitors to the area. Many of the trails observed during the visit were in poor condition. While signage was posted to warn walkers of potential hazards, the City will need to work with PARSAC to ensure that City is able to maintain “trail immunity” in the event a claim is presented against the City.

From page 6, Critical Findings and Recommendations of report:

Van Wycke Trail

The Van Wycke is a very short trail that has received grant funding to convert the trail into a pedestrian and bicycle connector trail. Several portions of the trail have experienced severe erosion and present a significant fall hazard, as the trail is at the edge of a bluff. Although the City has put up warning signs indicating that the bluff is unstable, based upon its current condition the trail should be closed until permanent repairs are made. A chain or other type of barricade with signage indicating that the trail is closed should be installed.

Trail Repair Background

Repair of the failing section of the Van Wycke Trail has been a priority for the City for many years. It shows up in various discussions and planning documents (e.g. the Humboldt County Association of Government’s Regional Transportation Plan) going back to approximately 2010, when the City Council first asked GHD to seek grant funding for repairs. Concurrently, the City also commissioned a couple of geologic and feasibility reports to help inform repair options.

After several unsuccessful funding applications, the City was awarded a grant from CalTrans for a multi-modal connectivity project, that included repair of the trail. At that time, construction of a retaining wall was the preferred repair option. On April 17, 2019, the City (Planning Commission) adopted a Mitigated Negative Declaration pursuant to the California Environmental Quality Act for the project, though the final design was not yet complete. Since then, there has been additional opposition to a retaining wall and the resultant soil disturbance, particularly from tribal interests.

Early in 2020, the City started a series of meetings with stakeholders to discuss alternatives. Those meetings were put on hold due to COVID-19 and have just recently resumed. At this point, the preferred project, at least in terms of the CalTrans grant, is to abandon repair of the trail in favor of constructing a sidewalk and other improvements on Edwards Street to increase pedestrian safety. Vista points will be added near the trail closures so visitors can still enjoy the views. And utilities that cross the failed section of trail still need to be secured or rerouted. The permanent fate of the trail is unknown at this time. The City did secure an extension from CalTrans for the grant in order to continue to work on alternatives. The City is hoping that the new alternative may be constructed next year, but that will not provide a final resolution for the trail itself. The City will still have to work with the public and other stakeholders to determine the

preferred course of action and pursue additional funding for any repairs. Therefore, a minimum 2-year closure is necessary.

Potential Conflicts of Interest

There are no known conflicts of interest.

ZONING ORDINANCE / GENERAL PLAN CONSISTENCY

The proposed project is located within a portion of the Van Wycke Street right-of-way, and therefore has no zoning associated with the property. The land immediately north of the project is zoned Urban Residential (UR) and the land immediately south is zoned Open Space (OS).

The City's zoning ordinance does not include required findings for projects that require a CDP but no other type of planning approval such as Design Review. Therefore, overall consistency with the City's LCP and Coastal Act have been considered.

The Van Wycke Street Trail is an important and heavily used part of the City's trail system laid out in the 1978 General Plan and is shown on the Circulation Map (Plate 4). Policy 64 of the Trinidad General Plan requires that the trail system be marked and maintained for use by the public. This project is consistent with that requirement, because the closure is only temporary while the City investigates options to improve the trail or provide alternative access.

Policy 5 of the Trinidad General Plan states that: *"Where access trails must traverse steep slopes, they should be located away from unstable areas and improvements should be provided to minimize erosion and slope failures. Existing trails which are creating these problems should either be improved or closed."* The project is consistent with this policy.

In terms of the Coastal Act, the primary standard of review for this project is whether it is consistent with the public access policies of the Coastal Act (Chapter 3).

One of the primary purposes of the Coastal Act is to *"Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principals and constitutionally protected rights of private property owners."* (§ 30001.5), which also carries out a similar principal found within the CA Constitution. Section 30210 states: *"In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."* The project is consistent with these sections, because the trail currently poses a risk to public safety and is subject to further erosion and instability.

Only the section posing the hazard is being closed, and alternative access exists nearby on Edwards Street.

Consistent with § 30211, this temporary closure will not interfere with the public's right to access the sea, because alternative access around the closure will be maintained along Edwards Street between upper Van Wycke and Galindo Streets. From there, Galindo Street can be used to rejoin Van Wycke Street. Although Edwards Street does not have sidewalks, parking on the south side was removed and striping for a pedestrian walkway were added around 2003. People have commented that they feel less safe on this route, and that it does not provide the same coastal views as Van Wycke, but the City does not have a record of any car/pedestrian incidents that have occurred, and the Edwards Street route poses less risk than the failing Van Wycke Trail. Coastal access and viewsheds are still provided on Edwards Street. In addition, the minimum length of trail has been closed, so pedestrian access, and the coastal views, are still available on either side of the closure.

Section 30214(a) allows that: *"The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics..."* This temporary closure is necessary due to the unsafe conditions caused by landslide activity that has compromised the integrity of the trail.

A condition has been included as part of the project that the approval is only for a two-year period. The Planning Commission may extend that time limit by one year if found necessary and if progress can be shown in advancing repair or access alternatives.

Although the temporary closure will affect public access during the closure, it is necessary to protect public safety. In addition, due to the unmaintained condition of the trail, foot traffic could exacerbate erosion and vegetation disturbance in that area. In addition, pedestrians are trespassing on private property above the trail to bypass the sunken area. Therefore, the closure is necessary to protect public safety, the environment and the rights of adjacent property owners, and the project can be found to be consistent with the City's certified LCP and other applicable regulations and the public access policies of the Coastal Act.

SLOPE STABILITY:

The project is located outside of the Alquist-Priolo Fault Zone. But the property where the proposed project is located is within an area designated as unstable and questionably stable based on Plate 3 of the Trinidad General Plan. In addition, the closure is located on an active landslide. Several geologic investigations have been

completed in order to inform appropriate repair and stabilization options. The City is actively working towards either repairing the trail or finding suitable access alternative(s). The closure will not further impact stability.

SEWAGE DISPOSAL:

The project will not generate wastewater.

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Public safety and directional signage, such as what has been placed on t-posts at the trail closure to inform users, are exempt from Design Review per §17.56.160.A.5, exempting public safety and directional signage less than 2 sq. ft. in area. Section 17.60.030 exempts accessory structures less than 500 sq. ft. in area and less than 15 ft. in height from Design Review. Therefore, the t-posts and rope barriers are exempt. No other structures are proposed. No design review findings are required.

PLANNING COMMISSION ACTION

Based on the above analysis, the project was found to be consistent with the City's Zoning Ordinance, General Plan, Coastal Act, and other applicable policies and regulations. Therefore, the necessary findings for granting approval of the project were made. The Planning Commission agreed with staff's analysis and approved the project with the following motion:

Based on application materials and information included in this Staff Report, and based on public testimony, I find that the project is consistent with the City's certified LCP and other applicable regulations, and I move to adopt the information in this staff report and approve the project as described in this staff report, and as conditioned herein.

CONDITIONS OF APPROVAL

1. This approval is for continued closure of the trail for a maximum of six months.

ATTACHMENTS

- Map of closure area
- Photos of closure area
- Risk Management Assessment Report



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020

100 ft





TRAIL
CLOSED

PRIVATE
PROPERTY

Privileged and Confidential Information

Risk Management Assessment Report

Presented to

City of Trinidad

December 10, 2018

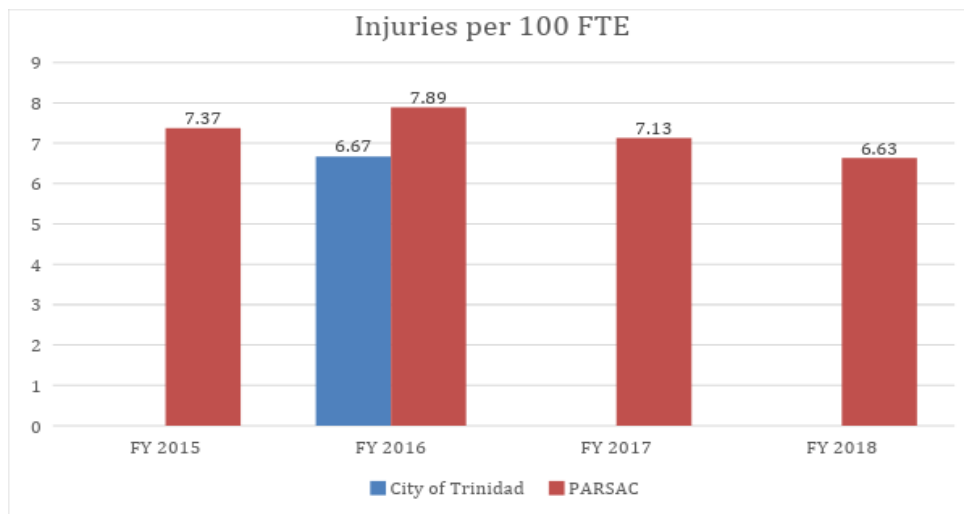
Disclaimer

We sampled selected operations and programs and the associated risks, so there is no guarantee that all existing or potential hazards have been identified and documented. This report is based on conditions at the time of the survey, information provided by your staff, and conditions apparent to the person(s) conducting the survey. The information in this report does not guarantee that operations, whether noted or not, are in compliance with federal, state, or local laws or regulations. Your implementation of these recommendations is not a guarantee that losses will be prevented or reduced, nor are the recommendations a substitute for your responsibility to administer your risk management, risk control, and safety programs.

Executive Summary

The PARSAC risk assessment is a comprehensive evaluation of a City's risk management programs, including compliance with Cal/OSHA and other governmental regulations. The risk assessment report should be used as an educational tool for the City to determine areas for improvement in its risk management and safety programs. In general, findings related to worker safety are regulatory requirements, whereas findings related to the general liability exposures are based on government code, case law, and standards of care. By focusing on improving risk management processes and systems, the City has a greater potential to impact its total cost of risk.

Overall, the City has a low claim experience for both its general liability and workers' compensation programs. As of 9/30/18, the City has only experienced one workers' compensation claim in the last four years with a total incurred cost of \$3,499. In order to compare the City's performance with the pool average, PARSAC uses the Bureau of Labor Statistics Injury Frequency rate calculation. As indicated below, the City's injury rate is well below the PARSAC Pool average.



In terms of the City's general liability program, the City has only received a total of five claims since FY11, and only two of those claims resulted in a paid loss. The total incurred for all GL claims during this period is \$6,129, valued as of 6/30/18.

Claim Type	Total Incurred	Total Paid	Count of Claims
2010-11	\$677	\$677	2
2013-14	\$0	\$0	1
2014-15	\$5,452	\$5,428	1
2016-17	\$0	\$0	1
Grand Total	\$6,129	\$6,105	5

The two paid claims that the City has experienced were related to a tree limb falling and a slip/trip and fall claim. The tree limb claim is the larger of the two claims with a total

incurred of \$5,452 and the slip/trip and fall claim valued at \$677.

Although the City has not experienced a large number of claims over the years, the potential for workplace injuries and general liability claims is significant based upon our review of the City's operations and facilities. In terms of workplace injuries, the work performed by employees in the Public Works Department is the primary exposure. A review the of City's safety program revealed that employees have only received training through informal safety tailgate meetings. The City does not currently provide regulatory required safety training for employees and lacks many required written safety programs. PARSAC can assist the City in developing the required safety programs and provide access to online safety training resources to help correct this deficiency.

General liability claims also poses a significant risk exposure for the City. The City of Trinidad is small, both in terms of population and geography; however, it has many of the same general liability risk exposures of larger cities. This includes exposures related to sidewalk liability, urban forest management, and contractual transfer of risk. Some exposures that are unique to Trinidad are its scenic coastline and its many natural trails that bring visitors to the area. Many of the trails observed during the visit were in poor condition. While signage was posted to warn walkers of potential hazards, the City will need to work with PARSAC to ensure that City is able to maintain "trail immunity" in the event a claim is presented against the City.

In reviewing the City's contracting process, it was learned that the City is allowing work to be performed on City property without written contracts or insurance requirements. It appears that many of these "handshake" agreements are with Humboldt County for street maintenance work and often involve having an existing work crew continue their work on City streets. On a prior risk assessment, it was noted that the City allows families to hire a contractor to dig a grave in the City's cemetery without requiring insurance of the contractor. This practice still exists. In order to protect the City's interests, a written contract with proper indemnification language should be put in place between the City and County. As a general practice, the City should require anyone working on public property to provide proper insurance coverage and have an agreement in place that protects the City in the event of damage or injury.

It should be noted that prior risk assessments were conducted by PARSAC in 2009 and 2014. While most of the findings related to correcting a physical hazard were corrected, findings and recommendations requiring policy development or process improvements have not been addressed. Those findings that are repeated are noted in the report. In most cases, the improvements and recommendations outlined in this report do not require the expenditure of money, but rather commitment of senior management to hold managers and supervisors accountability for risk management functions in their departments.

Critical Findings and Recommendations

Critical findings are those areas in which we feel that the City can have the greatest impact on its safety and risk control program.

Trail Access and Trail Immunity

The City has several trail systems that are used frequently by both local residents and tourists. The condition of many of the trails that were observed during the visit was poor and with limited signage to warn of potential hazards. Although the City may have trail immunity under [California Government Code 831.4](#), which shields public entities from liability when injuries are suffered by those using public property for recreational purposes, the City should take reasonable care to prevent injuries and provide notice of potential hazards to visitors.

Axel Lindgren Memorial Trail

The sign posted at the trailhead of the Axel Lindgren Memorial Trail is not adequate to warn users of potential hazards. The sign was printed on standard size paper, protected by a plastic cover sheet, and posted on a temporary traffic barricade. The wording on the sign states “WARNING UNSTABLE TRAIL USE AT YOUR OWN RISK”. Additionally, the warning sign is much smaller than the sign regarding “No Fires or Fireworks Permitted”, which diminishes the warning signs importance.



A warning sign must be clearly visible and large enough to be noticed immediately. Additionally, the sign should include specific hazards of using the trail. PARSAC recommends that a sign stating the following should be posted at the trail entrance:

WARNING
Watch for hazards
including steep grade, uneven surface, unstable soil, and tripping hazards.
USE AT OWN RISK

The sign and font size should follow industry standards for warning signs and be legible from a distance of 25 feet. Similar signs should be posted for other City owned trails indicating the specific hazards of those trails.

The trail itself also has several tripping hazards that are mainly due to the prior improvements to the trail falling in disrepair. This includes several areas where the wood has worn down with rebar poking out and other areas where a steel cable is exposed. The area above the trail, near the original landing for the lighthouse, also has loose planks and exposed rebar. As these improvements are not natural conditions of the trail, the trail should be closed until repairs are made.



Van Wycke Trail

The Van Wycke is a very short trail that has received grant funding to convert the trail into a pedestrian and bicycle connector trail. Several portions of the trail have experienced severe erosion and present a significant fall hazard, as the trail is at the edge of a bluff. Although the City has put up warning signs indicating that the bluff is unstable, based upon its current condition the trail should be closed until permanent repairs are made. A chain or other type of barricade with signage indicating that the trail is closed should be installed.



Use of Contractors and Informal Agreements (Repeat Finding)

The City's Public Works Department is entering handshake agreements with Humboldt County to perform work on City property. It appears that this work mainly involves road maintenance and is performed when a road crew has additional material when working near the City. While this handshake agreement may be beneficial to both parties, the City should have a formal written agreement with the County that includes hold harmless and indemnification language. The risk assessment also identified a similar situation with the operation of the City cemetery, in which a vendor is performing work on City property without a written contract or insurance requirements.

As a general practice, the City should require anyone working on public property to provide proper insurance coverage and have an agreement in place that protects the City in the event of damage or injury. This requirement is very similar to requiring individuals who rent the community center to obtain minimum insurance coverage.

Written Safety Programs (Repeat Finding)

Based upon the onsite interviews, it appears that the City has not developed many regulatory and best practice programs that address the City's exposures. While the City was able to produce documentation for a written safety program, it did not contain the elements of an Injury and Illness Prevention Program (IIPP), that is required under Cal/OSHA regulations (Title 8 Section 3203). The City should work with PARSAC to revise its IIPP to reflect current operations and develop written programs for the following:

- Auto and fleet safety management
- Confined space entry
- Contractual risk transfer
- Fire prevention
- Hazard communication
- Hazardous energy control
- Hearing conservation
- Respiratory protection
- Return to work
- Urban forest management

Employee Training

The City has not provided regulatory required safety training for employees and has not maintained training records of past training. The volunteer Fire Department does conduct regular training with the Cal Fire, but it does not appear that the Cityt maintains training records.

PARSAC can assist the City in developing a training matrix and provide access to online safety training resources to help correct this deficiency. Additionally, the City will be able to maintain volunteer fire department records, as well as offer additional online training opportunities.

Program-Specific Findings and Recommendations

The following findings and recommendations were generated as a result of the visit to the various City departments and are based on the information provided by the City's representatives.

Americans with Disabilities Act (ADA)

Although the City has completed an ADA self-evaluation and transition plan, the City has not included a line item in its budget to fund the transition plan. It is important that the City track the completion of these items. Just as it is important to have a documented plan in place, the City must also show progress in completing the transition plan to avoid potential litigation.

The City should include a line item in its budget for ADA Improvements of at least \$5,000 to show progress in implementing the ADA transition plan. Additionally, the City should create a spreadsheet version of the transition plan items from the consultant so that it can better track completion its plan.

Auto Fleet Liability (Repeat Finding)

The City does not have written fleet safety policy that includes driver selection and minimum insurance requirements. Additionally, it does not appear the DMV motor vehicle reports are being reviewed to ensure that City employees have appropriate driving records to drive City vehicles.

The City should develop a written fleet safety and driving policy that establishes, at a minimum, vehicle use, driver selection criteria, and what constitutes acceptable or unacceptable driving records. PARSAC has a model driver and fleet safety policy that should be used as a template. Additionally, the City should enroll in the DMV Employer Pull Notice Program and register all employees who drive on City business.

Bloodborne Pathogens (Repeat Finding)

The Public Works employees are involved in clean-up activities that may have an exposure to bloodborne pathogens. Additionally, the City's volunteer Fire Department provides often provides the initial emergency response and may have volunteers exposed to bloodborne pathogens.

The City should develop a written bloodborne pathogens exposure control plan consistent with the City's identified occupational exposures and CCR, Title 8, Section 5193 requirements. All employees, volunteers, or others whose jobs expose them to potentially infectious materials are required to be trained regarding the City's bloodborne pathogens exposure control plan upon hire, annually, and whenever changes to the plan are made. The City is also required to offer pre-exposure hepatitis B vaccination to all potentially exposed employees at no cost to the employee. The City, as a best management practice, should require employees who decline the offer of pre-exposure hepatitis B vaccination to sign a declination waiver. As a best practice, it is also recommended that employees sign a consent form as well.

Contractual Transfer of Risk

As part of the risk assessment, PARSAC requested to review the City's current active contracts, as well as bid-specs and other documents that may include contractual risk transfer language. All active contracts have not been reviewed as they were not available during the assessment. The City will need to provide all active agreements to complete this portion of the assessment.

Confined Space Entry

Based upon discussions with Public Works Department employees, the City's only known confined space is the tank located at the water treatment plant. A confined space is large enough and so configured that an employee can bodily enter and perform work; has limited or restricted means of entry and exit; and is not designed for continuous employee occupancy.

The City should, as required by Cal/OSHA, develop a written confined space entry program consistent with Cal/OSHA requirements and the City's needs. Such a plan should include procedures for pre-entry, entry, rescue, and employee training.

Employment Practices Liability

The City is currently updating its employee handbook and personnel policies using ERMA Grant Funds. As these policies are being updated by an EPL professional, the programs were not reviewed as part of the risk assessment.

Fire Department Operations

The City operates a volunteer fire department that coordinates its volunteer training activities with CalFire. Training is provided on a monthly basis, with each volunteer required to maintain their own training records. The City is not currently using the online training for firefighters that is offered through TargetSolutions.

The City is encouraged to provide additional online training to their volunteer firefighters through TargetSolutions. Additionally, the City should maintain all volunteer training records and ensure that volunteers are completing all training as required by policy.

Hazard Communication (Repeat Finding)

The City does not have a written hazard communication program as required by CCR, Title 8, Section 5194.

The City should develop a written hazard communication policy that specifies how the City will comply with the hazard communication standard. The policy should include a current list of the hazardous materials used throughout the City. The policy should also prohibit employees from bringing unauthorized hazardous materials onto City property.

Hearing Conservation Plan (Repeat Finding)

Public works employees operate equipment, such as jackhammers, mowers and leaf blowers that could cause hearing loss. The City has not conducted audiometric testing on all types of equipment to know if employees have an exposure to hearing loss. Damage to the ability to hear is known to result from exposure to high decibel levels for extended periods of time and can result in a permanent hearing disability.

An initial decibel exposure study should be conducted for all the City facilities, equipment, and/or activities which contain or generate potentially high decibel levels to reduce the risk of exposing employees to high decibel noise for durations of time that may result in a reduction in their ability to hear. The purpose of the study is to identify those areas, equipment, and/or activities that generate decibel levels equal to or greater than 85 decibels over an 8-hour time weighted average (TWA). Based upon the study results, the City may need to implement a Hearing Conservation Program.

Lockout/Tagout of Hazardous Energy

The Public Works Department should develop and implement a hazardous energy lockout/tagout (LOTO) program to protect employees from the unexpected energization or startup of machines or equipment, or the release of stored energy. A model hazardous energy lockout/tagout program can be found on the PARSAC website: www.parsac.org. Once the City has developed and implemented the LOTO program, it must provide hazardous energy LOTO safety training to all Public Works Department employees. In addition, each piece of equipment and machinery that creates a hazardous energy exposure should be labeled to identify the locations where lockout, tagout and/or blockout devices should be applied.

Respiratory Protection Program (Repeat Finding)

A respirator was observed in the Public Works office that was not properly stored. Employees in the department indicated that they don't need to use them, but may occasionally wear one. The City should conduct an assessment of its work environments and activities to determine if a respiratory protection program is required.

Return-to-Work Program (Repeat Finding)

The City should adopt the PARSAC model return-to-work (RTW) program which includes information specific to the City. Effective RTW programs can greatly benefit the City by allowing injured workers to return to the workplace in modified job duties while recovery from their injury. This can also help to reduce the overall cost of workers' compensation claims. It also allows managers to monitor the employee's recovery and treatment and it maintains the injured worker's relationship with the agency and co-workers. A model RTW program can be found on the PARSAC website: www.parsac.org.

Sidewalk Liability (Repeat Finding)

Best management practices indicate that City should adopt an ordinance that transfers the responsibility for sidewalk maintenance to the adjacent property owner. A sidewalk ordinance would transfer the liability for any damages caused by damaged pavement to the property owner. The public works department should also establish an effective sidewalk inspection program that identifies and repairs damaged sidewalks before a claim is filed.

Special Event Risk Management

The City does not sponsor any special events, but the business community does regularly host two events (fish feed and fun run) each year. The City does not have a formal special event approval process

The City is encouraged to review the special event permit process and review current insurance requirements and indemnity language. For more information regarding this recommendation, please call Kin Ong at PARSAC.

Urban Forest Management

The City does not have an Urban Forest Management policy that addresses the inspection and maintenance of trees on public property. The main area of concern is the City Cemetery, which has several very large trees on the property. During the site visit, several large limbs were observed on the cemetery grounds due to a recent wind event. It was also noted that several headstones have been placed at or near the base of the trees. As graves must be dug a minimum of six feet, there is concern that the graves could cause damage to the tree roots and cause the tree to become unstable. Public Works employees also expressed concern about the trees in the area, and specifically the tree that is above the maintenance shed. It was noted that it had been several years since the City had an arborist inspect the trees. The City has had only one significant loss related to trees.



The City should contract with a certified arborist to conduct an evaluation all trees that are on the City's property. Additionally, the City is encouraged to develop and implement a written program that details its urban forest management policies and procedures. PARSAC has a model Urban Forest Management Program that the City can adapt to its own operations.

Facility Inspection Findings and Recommendations

The following findings and recommendations were generated as a result of an inspection of the City's various facilities and operations.

Hector Street Raingarden

At the time of the site visit, the Hector Street Raingarden had just been completed. This project was intended to improve storm runoff; however, the design makes it appear as if this is a roundabout. In discussing the traffic flow with the City Clerk, he indicated that the City's traffic engineer did not view it as a roundabout and that traffic flow would go in both directions on each of the surrounding streets. As this was a new improvement to the area, it did not have traffic signage to indicate the flow of traffic and it was not intuitive as to what direction should flow.

The City should ensure that the traffic engineer has signed off on the traffic design and that appropriate signs are installed to protect the City's design immunity in the event of a dangerous condition claim.



Van Wycke Street and Edward Street Access

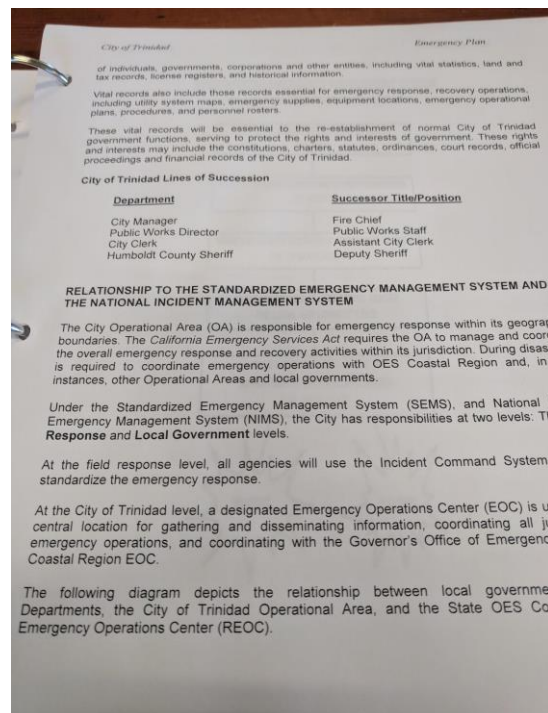
The transition between Edward Street and Van Wycke Street has a significant change in elevation between the asphalt transition of the streets. This poses a trip and fall hazard, as those riding a bike or walking onto the street may not notice the transition due to the color similarity.

The City should paint the transition in the asphalt white or yellow to help indicate the change in level between the pavements for those riding a bike or walking.



Emergency Operations Lines of Succession

In reviewing the City's Emergency Operations Plan that was drafted with the assistance of the County, the plan shows that the volunteer Fire Chief would succeed the City Manager if he/she became incapacitated during an emergency. As the volunteer Fire Chief is not an employee of the City, the Emergency Operations Plan should be reviewed and revised to ensure that succession planning and other operations are managed by city employees.



[Print](#) | [Close Window](#)**Subject: Public comment: Opposition to possible trail closures****From: Ted Pease <ted.pease@gmail.com>****Date: Mon, Jul 13, 2020 2:06 pm****To: azetter@trinidad.ca.gov****Attach: LofvingMackerel9460.100.jpg**

Dear Trinidad City Council & Trinidad Planning Commission:

RE: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

It has come to our attention that the city manager proposes to "temporarily" close the Van Wycke Trail for as much as four years, and that, further, conversations have been undertaken about a similar closure of the trail extending along the bluff from Wagner Street to the Parker Creek Trail.

As daily walkers around Trinidad, count us as adamantly opposed to either closure. Further, we reiterate our previous opposition to the initial closure of the Van Wycke Trail this past Spring, apparently out of an overabundance of concern about public safety.

We fully endorse and echo the objections of Kim Tays ("CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail," July 11).

We have walked the Van Wycke Trail with our dogs for 20+ years. It has deteriorated over that period, but is still easily passable, even for us old folks; in our opinion, it poses no particular danger to public safety of falling. Concerns over maintaining safe, 6-foot physical distance from others on that trail under COVID-19 restrictions are understandable, but people can't pass each other on that path anyway, and it is common (and common sense) practice for walkers coming from opposite directions to yield and wait for one another to pass, providing the required 6-foot (or greater) buffer.

We are concerned about decisions and recommendations being made without adequate advance opportunity for public comment. These recommendations seem to be based on a less-than-complete understanding of the culture, sensibilities and practices of those who live in Trinidad, or a lack of historical memory of some of Trinidad's longstanding land-use issues.

Before making trail closure recommendations to the Planning Commission, we assume that the city has consulted with its own Trails Committee, and with the California Coastal Commission, whose regulations regarding public access to coastal areas are explicit and relevant.

Not only do we oppose any talk of trail closures, but we urge the immediate opening of both the Van Wycke and Wagner Street-Parker trails, with appropriate signage as needed for public safety and personal responsibility.

Sincerely,
Ted Pease & Brenda Cooper

PO Box 996/446 Mill Creek Lane
Trinidad, California 95570
707-677-5222; 707-502-5806 cell
ted.pease@gmail.com



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[Print](#) | [Close Window](#)**Subject:** RE: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail**From:** "Trinidad City Clerk" <cityclerk@trinidad.ca.gov>**Date:** Mon, Jul 13, 2020 1:57 pm**To:** "Kimberly Tays" <kimkat067@gmail.com>**Cc:** "Angela Zetter" <azetter@trinidad.ca.gov>, "Trevor Parker" <tparker@shn-engr.com>, "Cheryl Kelly"

<ckelly@trinidad.ca.gov>, "Diane Stockness" <diane.stockness@gmail.com>, "Richard Johnson" <rfjbr@gmail.com>, "Tom Hopkins" <tomh@humboldt1.com>

Hi Kim,

Message received and forwarded to the Planning Commission as requested.

Gabriel Adams

Trinidad City Clerk

707.677.0223

From: Kimberly Tays <kimkat067@gmail.com>**Sent:** Saturday, July 11, 2020 8:22 PM**To:** City of Trinidad <Cityclerk@trinidad.ca.gov>**Cc:** Eli Naffah <citymanager@trinidad.ca.gov>**Subject:** CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

Hi Gabe,

Please forward the following email to the Planning Commissioners for their upcoming July 15, 2020 meeting and include in the public comments for this meeting and agenda item.

Dear Trinidad Planning Commissioners:

As a former Trinidad resident and someone who enjoys walking our coastal trails, I am writing to oppose the City of Trinidad's (City) proposed Coastal Development Permit (CDP) to allow for the "temporary" closure of the Van Wycke Trail (VWT).

The VWT has already been closed for over a year and, now, the City is proposing to close the trail for an additional two years, with an option to extend the closure for one additional year (for a total of 4 years). **I do not believe that closing a popular trail for 4 years can, in good faith, be considered "temporary."** What is problematic about this plan is that no alternatives were presented to full trail closure, nor was there any indication efforts have been made by the City to discuss with the adjacent property owners the possibility of purchasing a strip of land from each of them to allow the VWT to be routed upslope, away from the unstable, slumping area of the bluff.

Essentially, under this CDP, the City would be allowed to close a popular, well-used trail for three additional years without any plans to fix the trail or acquire land from adjacent property owners. I did not see any statements in the staff report, either, that indicated the one-year extension would require an additional CDP or allow for further public discussions and/or the possibility of appealing any decision to extend the trail closure for one more year.

Furthermore, there is no discussion in the staff report about the public's prescriptive rights to use the private property adjacent to the VWT. I have used the VWT for the past 18 years and have oftentimes walked on the private property adjoining the trail to allow others to pass by or to move around those sections of the trail that are uneven or slumping. I know others have passed across this private property, too, for similar reasons. In fact, the use of private property adjoining the VWT has been going on for decades. Such use is not infringing on private property rights, as the yards are long and narrow and the trail is a good distance from the homes, patios, decks and main yard areas. I have only witnessed the public passing through quickly, without incident, again because the trail is a good distance from the property owners' homes and main yard areas.

California's coastal bluffs are dynamic, changing features of our coastline. Just because our coastal bluffs are eroding, slumping and shifting does not mean the trails along them should be closed. The toe of the Axel Lindgren Memorial Trail is treacherous, but the City is not closing that trail. I fear that the VWT is being closed, in part, because property owners do not wish to share the trail with the public. They wish to have that view and coastal bluff to themselves. This is a well-known problem in coastal California; where wealthy homeowners try to prevent the public from accessing public coastal trails along their properties and/or erect signs to make the public think that certain property is private when it is not; thus, discouraging the public's legitimate use of coastal trails.

I proposed that the City post signs at both ends of the VWT, warning people that the trail is dangerous and that they are using it at their own risk. A further message could be added to the sign, asking people to please respect the property of adjacent homeowners. This could be done while the City considers alternatives to the full closure of the VWT.

While the public can use Edwards Street to access the beach and harbor, that route has not been properly improved to allow the public to do so safely. Edwards Street, without improvements (such as traffic-calming measures, barricades, signs or markings), is not a suitable trail alternative, due to the high volume of traffic and large vehicles (i.e., buses, RVs, semi-trucks, crab fishing vehicles, etc.) that use Edwards to access the harbor and beach.

Please accept this email as my OPPOSITION to the City's plans to issue a CDP to "temporarily" close the VWT for up to 3 more years. This plan needs to be more fully analyzed and alternatives to full trail closure considered.

Thank you for considering my input on this important coastal access issue.

Regards,
Kimberly Tays
Arcata, CA

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Re: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

Dear Trinidad Planning Commissioners,

As a Trinidad resident who walks the trails, I am writing to oppose the City of Trinidad's proposed Coastal Development Permit (CDP) to allow for the "temporary" closure of the Van Wycke Trail (VWT).

I am opposed to this trail closure for many reasons and I support the letters of opposition from Kim Tays and Ted Pease in full. I have also discussed this proposed closure with other residents in town who also oppose it and used the trail regularly prior to the (arbitrary) snow fence barrier installation this past Spring.

The Trinidad City Manager arbitrarily and illegally closed the Van Wycke trail over a year ago without any public meeting or input from residents, the California Coastal Commission or the City's Trails committee. His actions clearly violated laws and unfairly eliminated any public opportunity to appeal his decision for an entire year. This trail is well used by many residents and others who are comfortable using it, **as it is**, including myself. This trail has been posted "use at your own risk" for years and to my knowledge trail use has been without injury. Many other trails in town are in worse condition than this one, and have been the subject of injuries, yet this particular trail has been singled out for closure. Why is that?

The City has provided no ideas for alternatives other than to look for grants to fund repairs? This is the same situation that occurred with the CalTrans grant to repair this trail last year. When the CalTrans grant was obtained, and after the City spent years of staff time and money working on it, and in the end the project was determined that the proposed "repairs" were completely out of line with what was actually needed, or desired by the community. Then the project was revoked. The City's past practice of chasing grants to obtain funds and to **then** determine alternatives is backwards, and costs the residents of Trinidad greatly. A Coastal Development Permit of this nature, that has NO alternatives, is unacceptable and has been clearly stated by the Coastal Commission in this email statement below.

*"As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, **and what, if any alternatives exist to closing the trail.**" ~Tamara L. Gedik*

Coastal Program Analyst

California Coastal Commission

(Please see the complete email below from the Coastal Commission dated 8/26/2019.)

The temporary closure of this trail also appears to line up with the timelines for Prescriptive Rights action? This is of great concern and could perhaps cost us all our ongoing public access to this trail into the future. It appears that with prescriptive rights the trail must have been **in use** during the past five years to make this designation. This is a historic and well used trail despite its current condition and should be continued as such. Repost this trail with notice of "use at your own risk" as was the remedy to keep this trail open approximately 8 years ago.

I question the statements made that the use of the trail does further the damage, to an extent needed to make a closure. This same argument was used on the Wagner Street trail a few years back and those claims were determined to be unfounded. Where are the studies needed to make this claim? Where is the letter from the insurance company making the claim that the trail is unsafe? Why was there so little public information regarding the proposed closure?

All of the trails in town have issues for some users. They have no handrails down steps, some are hand over hand climbing up from the beach, they have uneven steps, they can be washed out at the bottom, and they have a variety of hazards with loose gravel, roots, etc. Most trails in Trinidad are similar, if not in worse condition. State Parks trails at Trinidad State beach and Agate State Beach, and many other locations are also in worse condition. But all of these trails are open to public access, rightfully by law and repairs are constantly made when they can be.

Coastal access is paramount. Closing trails in this manner without an alternative is unacceptable.

"California's coastal bluffs are dynamic, changing features of our coastline. Just because our coastal bluffs are eroding, slumping and shifting does not mean the trails along them should be closed. The toe of the Axel Lindgren Memorial Trail is treacherous, but the City is not closing that trail. I fear that the VWT is being closed, in part, because property owners do not wish to share the trail with the public. They wish to have that view and coastal bluff to themselves. This is a well-known problem in coastal California; where wealthy homeowners try to prevent the public from accessing public coastal trails along their properties and/or erect signs to make the public think that certain property is private when it is not; thus, discouraging the public's legitimate use of coastal trails." Kim Tays

Please accept this email as my OPPOSITION to the City's plans to issue a CDP to "temporarily" close the VWT indefinitely and without any alternatives. A plan for the Van Wyck Trail needs to be more fully analyzed, alternatives to full trail closure considered and research into Prescriptive Rights obtained.

Thank you,

Kathleen Lake
Trinidad Resident

----- Original Message -----

Subject: RE: Trinidad Trail Closure and Parking

From: 'Gedik, Tamara@Coastal' <Tamara.Gedik@coastal.ca.gov>

Date: 8/26/19 4:15 pm

To: 'tdavies@trinidad.ca.gov' <tdavies@trinidad.ca.gov>

Cc: 'Merrill, Bob@Coastal' <Bob.Merrill@coastal.ca.gov>

Hi Tom,

Thank you for contacting me. Bob did mention your inquiry and I believe he meant to respond so hopefully my response isn't duplicative- Bob please feel free to weigh in.

Regarding your question about the Van Wycke Trail, the posting of signs indicating the closure of any trail would constitute a change in the intensity of use of the trail requiring a coastal development permit (CDP). The City would have to demonstrate in its review of any proposed trail closure that the proposal would be consistent with the City's certified LCP and with the public access and recreation policies of the Coastal Act. As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, and what, if any alternatives exist to closing the trail. If the trail is described and/or depicted in the certified LCP and closure was intended to be permanent, then the closure would also most likely require an amendment to the certified LCP.

Regarding changes to parking areas, our staff has advised City staff in the past that "the change to the parking restrictions would require a CDP since it would result in a change in the intensity of use of that parking area. The Coastal Commission does routinely evaluate proposed changes to public parking throughout the state as it relates to potential impacts to the public's ability to access the coast consistent with the public access and recreation policies of the Coastal Act. It would be helpful to know as part of the City's analysis of the change, how it would affect traffic flow/circulation and visitor use (e.g., if folks were to access the area for more than 1 hour, would they need to park somewhere else, or move their vehicle?)."

If these developments have already occurred, we would encourage the City to process after-the-fact applications for CDPs; due to the location of both projects (between the sea and the first public road paralleling the sea, and within 300 feet of the coastal bluff), the projects would be appealable to the Coastal Commission.

Sincerely,

~Tamara L. Gedik

Coastal Program Analyst

California Coastal Commission

North Coast District Office

1385 8th Street, Ste. 130 • Arcata, CA 95521

E: Tamara.Gedik@coastal.ca.gov

P: 707.826.8950 • **Fax:** 707.826.8960

~To purchase a whale tail license plate or access Coastal Commission information, go to www.coastal.ca.gov



Trinidad City Clerk

From: Gail Kenny <gailgkenny@gmail.com>
Sent: Tuesday, July 14, 2020 8:08 PM
To: Trinidad City Clerk
Subject: Van Wycke Trail Closure Comments

Please forward to the Planning Commission for the July 15, 2020 meeting.

Dear City of Trinidad Planning Commission:

Please deny the application of the coastal development permit to close Van Wycke Trail for the following reasons:

- This is a well-used trail that in its current condition is safely passable for many users. The Axel Lindgren Memorial Trail at the beach end is in much worse shape, and that trail has not been closed. I see no difference with the Van Wycke trail.
- There isn't an alternate trail that allows pedestrians to get off the road and out of the way of traffic on the way to the harbor.
- Closure of the trail denies the public access views from the trail.
- The trail appears to have been closed due to pressure from residents who live adjacent to the trail, who dislike having pedestrians using the trail. In the past the City was involved in litigation with another homeowner who wanted to close the trail adjacent to his property (John Frame) who claimed the trail was eroding, etc. A lot of time and money was spent to keep that trail open.
- If there is still concern about COVID issues, require that people wear masks while using the trail like the trail by John Frame's house is now signed. The slide section of the Van Wycke trail is short and over the 30 years I have used this trail I rarely pass people there. There is a clear view of who is coming along the trail and it's easy to retreat to a spot where groups of people can easily pass each other with social distancing.

Sincerely,

Gail Kenny
Trinidad Resident

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD PLANNING

COMMISSION

WEDNESDAY, JULY 15, 2020 VIA WEBEX

I. CALL TO ORDER/ROLL CALL (6:06 pm)

Commissioners Present: Kelly, Johnson, Hopkins, Stockness

Commissioners Absent: None

City Planner Staff: Parker

City Staff: Zetter, Naffah

II. APPROVAL OF MINUTES

June 17, 2020

Motion (Stockness/Hopkins) to approve the June 17, 2020 minutes as amended. Passed (4-0). Passed unanimously.

Updated April 24th to June 24th (page 5).

Updated the minutes to reflect a discussion regarding the issue of cannabis within City limits (page 4-5).

III. APPROVAL OF AGENDA

No formal motion was made to approve the agenda. Approval by acclamation.

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

Discussion/Decision/Public Hearing/Action

1. Trinidad 2020-01: Coastal Development Permit for the temporary closure of a portion of the Van Wycke Trail due to hazardous conditions. Located at the unpaved section of the Van Wycke Trail between Edwards Street and Galindo Street.

Staff report

City Planner Parker discussed the site characteristics, while explaining that bluff instability has compromised the Van Wycke Trail, which connects the upper and lower portions of Van Wycke Street. She advised that due to the hazardous conditions, the trail has been closed since last year. Parker briefly discussed the funding that was secured through a CalTrans grant for the Van Wycke Connectivity Project, which included repair of the trail. However, controversy over the project has led to delays.

Parker continued to discuss the trail closure, which was done based on a request by the City's insurance company, PARSAC. Since the closure, Coastal Commission staff informed the City that even temporary closure requires a Coastal Development Permit. Because of the time still needed to plan and fund repair of the trail staff recommendation is for approval for a CDP for a temporary closure of the trail for up to two years, with an option to extend that time period for a year. Should the City decide

to permanently close the trail, another CDP would be required in addition to an LCP Amendment. Furthermore, the project can be found to be consistent with the City's Zoning Ordinance, General Plan, Coastal Act, and other applicable policies and regulations as described in the staff report. Parker noted wording can be added to the condition that if conditions change and the trail can be opened up prior to the conclusion of the two years then it will be.

Parker and City Manager Naffah discussed PARSAC's findings and recommendations upon their visit to Trinidad. Naffah, referencing PARSAC's 2018 Risk Assessment Report and the site visit made by PARSAC representative Ken Ong, explained that after viewing the Van Wycke and Axel Lindgren Memorial trails, PARSAC determined that the City will need to work with PARSAC to meet requirements in order to claim trail immunity in the event that an injury claim is filed against the City. Specifically, PARSAC recommended Van Wycke Trail be closed, as several portions of the trail had experienced a severe erosion. They recommended additional signage for the ALM Trail.

A brief discussion regarding the infrastructure improvements for utilities was discussed.

Commissioner Kelly mentioned that the City received multiple public written comments requesting that the trail remain open as it's still usable.

Commissioner Comments/Questions

Commissioner Hopkins, referencing signage such as "use at your own risk" at ski resorts, questioned if there is a universal sign that could be used on the trail that would take liability away from the City. Naffah advised there had been sign to use the trail "at your own risk," but PARSAC advised that it was not adequate for the current trail conditions.

Commissioner Stockness questioned why a two-year timeframe was needed. Along with explaining the amount of time it would take to complete the project, Naffah cited COVID-19 being a driving factor, as it is causing a delay in being able to meet with stakeholders.

Commissioner Johnson advised that there has been little information as to why the trail had been closed, so he thanked staff for providing the information that explained the thought process behind closing the trail. He stated that a lack of information makes it difficult for residents to understand why a trail is suddenly closed. Johnson also questioned why the ALM Trail is not being treated in the same fashion as the Van Wycke Trail, as it was also addressed in the PARSAC report as being in poor condition.

Naffah replied, stating that PARSAC only requested that the Van Wycke Trail be closed, and that the ALM Trail needed to have a sign with clear language that it is unstable. Naffah also made note that the CCC requires a CDP for a trail closure, even if the permit is obtained after-the-fact.

Commissioner Kelly stressed that consistency amongst all trails is necessary, but now understood why closing the trail is necessary due to safety and liability issues.

Public Comment

Written comments were received in opposition of the trail closure from Ted Pease, Brenda Cooper, Kimberly Tays, Gail Kenny, and Kathleen Lake. Written correspondence to Council member Tom Davies from CCC Coastal Program Analyst, Tamara Gedik, was provided regarding Trinidad trail closure and parking protocols.

R. Clompus (Trinidad City Council Member) discussed his observations of the Van Wycke Trail use, explaining that he has witnessed verbal accosting of tourists by residents due to trespassing upslope on private property. Additionally, he asked if a bridge could be constructed to avoid crossing private property while also addressing the tribal concerns surrounding ground disturbance.

In response, Commissioner Kelly advised that multiple options, including a bridge, have been considered.

Commissioner Discussion

Commissioner Hopkins discussed that while he does want the trail fixed, in the meantime because tourists and residents alike bypass the closed trail sign at Van Wycke anyway, the City should just use the same signage/language used on the Axel Lindgren Trail. City Manager Naffah advised that previous signage did include "proceed at your own risk," but PARSAC determined that was not enough. Naffah explained if the City uses language "use at your own risk," it could override the closed sign, as it suggests the City knows the trail might be used, thereby, making the City liable if any injury results from trail usage.

Commissioner Stockness stressed that she wants clear signage at Van Wycke Trail, such as advising that it is unstable/dangerous. She stressed the City must follow what PARSAC recommends, due to liability, and suggested reaching out to the landowners to get their opinion.

Commissioner Johnson discussed his observation of the poor state of the Van Wycke Trail, noting that there is a present issue of safety. He also expressed a need to hear from the Trails Committee before making any decision, since they are responsible for advising the City on such issues.

Kelly advised that she is uncomfortable with approving a closure for two years. City Manager Naffah stressed that the City is in favor of finding a viable repair solution for the Van Wycke Trail. However, the City needs to work with the Yurok, Tsurai, and the property owners to accomplish that. He acknowledged that the City hopes this won't take two years, but allowing two years will avoid the need to authorize more extensions.

Public Comment

B. Kenny (Trinidad resident) stated his wife (G. Kenny) is a standing member of the Trinidad Trails Committee, and she submitted a letter on her own behalf. He stated that the Committee has not been formally approached to provide an opinion and wasn't aware of the CDP approval process. He discussed his personal experience using the trail and suggested the Planning Commission table the agenda item until the next meeting. He also suggested the City Manager meet with PARSAC again, as it doesn't make sense to have the ALM Trail open and close the Van Wycke Trail.

City Manager Naffah reiterated that the City will need to work with multiple stakeholders regarding the Van Wycke Trail before proceeding, but due to COVID-19 it has been difficult. Additionally, he acknowledged that even if improvements are made along Edwards Street, the intent is still to eventually repair the Van Wycke Trail. There is also a vista point concept that is another possible option, if they are unsuccessful with getting buy-in from all stakeholders on a repair.

Commissioner Discussion

All commissioners agreed to table the item until the Trails Committee is able to give their input/recommendation. It was acknowledged that there is a benefit in collaboration with the Trails Committee. Johnson noted that he feels strongly about proceeding with a one-year closure, as there is still the option for the second year. He stated that it is to his understanding that to exercise that option it will not require another CDP.

Commissioner Stockness advised that she is in favor of a one-year closure, but also wants feedback from the landowners and the Trails Committee first before making a motion. However, she advised this needs to be dealt with soon, because tourists and residents alike are still using the trail. Commissioner Hopkins stated he believes the trail should be open with proper signage. Commissioner Kelly agreed that ideally input from the landowners would be beneficial. She also was in favor of a one-year closure. She added that if both the ALM and Van Wycke Trails are unsafe, for consistency they should both be closed until repaired.

City Manager Naffah agreed that it would be beneficial to have the Trails Committee weigh in. He also noted that regarding the Axel Lindgren Trail, the Risk Assessment Report completed by PARSAC concluded that the City would be covered if the proper signage was installed on the ALM Trail, but that wasn't the case for the Van Wycke Trail. Commissioner Kelly retracted her comment about closing the ALM Trail.

Public Comment

M. Gottschalk (Trinidad resident) advised he is an upslope owner whose property is being trespassed on when people go around the signs currently in place. He stated he wants the City to put up barriers and notify the public via other modes of communication to not use the trail while it is closed.

Commissioner Discussion

No formal motion. The agenda item will be continued at the August 19, 2020 meeting.

2. Water Shortage Contingency Plan: Discussion of a draft Water Shortage Contingency Plan.

Staff report

City Planner Parker advised that the draft Water Shortage Contingency Planning Process document provided to the City Council was well received. Overall, the City Council was in favor of the direction that the Planning Commission was taking. She noted that a couple of comments were in favor of using a baseline usage. Council member West suggested starting to require cutbacks in Stage One to get people used to the idea before it becomes critical.

She continued to explain that the Planning Commission now needs to finalize the contingency plan itself, including stages and determining the type of cutbacks. Furthermore, the Commission also needs to discuss implementation, and will eventually draft an ordinance.

Parker provided the appendices for the DWR report and stated the DWR recommendation for small communities is to prepare an abbreviated drought contingency plan. She noted that there was a preference to require rationing based on a baseline to ensure that those already conserving are not being punished. Parker discussed an example from the City of Santa Cruz, California.

Commissioner Comments/Questions

Commissioner Johnson mentioned that he thought the San Diego model ordinance could be used as an example when the City composes its own. He also advised he was in favor of using a baseline structure. However, in terms of devising a baseline for the City, he questioned the difficulty. Parker advised that there are multiple ways and strategies of determining a baseline, but she'll need to take a closer look at the data.

Johnson also suggested an appeal process, where the Planning Commission could evaluate high water users' requests for more water on a case by case basis. Thereby normalizing the data, and the outliers can be dealt with through an appeal and exception process.

Commissioner Stockness asked who oversees the water treatment plant. Parker discussed the role of Public Works staff. City Manager Naffah discussed the communication and reporting process. Stockness suggested the City form a water committee. Commissioner

Hopkins suggested reviewing the City's water records, from meter readings, and began building our baseline from the data. Additionally, he mentioned the importance of educating the residents and finding ways to promote saving water. Stockness and Kelly agreed that education and outreach is very important.

Commissioner Kelly was in support of the concept of an abridged water shortage contingency plan as recommended by the DWR. She stated she is in favor of a plan that is simple, but actionable. She suggested using Santa Cruz's water contingency plan as a template.

Public Comment

None

Commissioner Discussion

Parker advised that for the next meeting she will provide more statistics on water use and a detailed framework. She also stated she will compose some examples for monitoring and enforcement in an outline format that would be in the plan itself.

A brief discussion regarding the inclusion of enforcement in the water contingency plan occurred.

Stockness suggested adding educational information on the water bills. Parker advised she will discuss this with City Clerk Adams.

3. Trails Policy: Discussion regarding the draft Trails Policy that was developed and recommended by the Trinidad Trails Committee.

Staff report

City Planner Parker briefly discussed that there is not a true purpose stated in the document, and explained that the draft trails policy is broad, yet specific in some sections. She suggested that the Planning Commission determine what to accomplish and include in it and how it fits in with other City documents like the General Plan. Parker also explained most of the rules included in the Policy and not codified and would need to be adopted in an ordinance in order to be implemented and enforced. Parker also noted that the Trails Committee did not include recommendations for specific trails, just general maintenance. Lastly, Parker discussed ways to improve the document, such as ensuring consistency and accuracy in the trail descriptions.

Commissioner Comments/Questions

Commissioner Kelly advised that there had been a purpose stated in earlier versions, but by vote of the Committee was taken out. She also advised she reached out Council member and Committee Chair Davies and confirmed that he envisioned the policy be a stand alone document, which would be aligned with the General Plan. Kelly discussed language she'd like to add from other policies that she has read, and to include a recommendation to add a section about the surrounding trails.

Commissioner Stockness questioned if a map of the trails in Trinidad be included in the policy. She also suggested that a map of the trails be included in the Recreation and Circulation Elements of the General Plan. She also noted that she would like to see the installation of more benches along the trails. Commissioner Hopkins suggested finding

a way to direct trail users to the City's website where they can find the rules regarding usage.

Johnson questioned who is accountable for this plan, and suggested having a joint meeting with the Trails Committee. He also mentioned that he was concerned with the lack of input from Public Works, and recommended they be a part of the Committee in some form. Kelly discussed the formation of the policy and that it has been sent to Public Works for review.

Public Comment

None

Commissioner Discussion

Parker suggested not sending the document to back to the Trails Committee for review yet, as the Planning Commission should provide some guidance and recommendations first. She advised there will likely be some overlap between the Trails Policy and General Plan, so some of this will be codified. However, she noted that if the policy is set up as nonbinding, it might be useful to differentiate existing rules and recommended rules.

Kelly explained that there previously was purpose statement included in the document; she stated she would go back to previous versions to find what happened to it. Additionally, they agreed that Public Works should provide input. Johnson suggested examining what should be included in the General Plan, and what information would be part of the stand-alone policy document.

Parker suggested ensuring that the document prioritizes any proposed new trails or improvements in order to help acquire grant funding.

4. General Plan Update: Draft element status update and scheduling.

Staff report

City Planner Parker stated the City Council is interested in knowing what the Planning Commission will be passing along to them in the near future. She also noted that, due to COVID-19 and being short-staffed, the Coastal Commission has a backlog of work. Parker also summarized what she is currently working on, with a primary focus on the Conservation Element. Due to other projects taking up meeting time Parker suggested resuming extra general plan meetings each month.

Commissioner Comments/Questions

Commissioner Stockness suggested working on the Noise and Safety Element, because it is easy. Parker advised that noise is pretty straightforward, but the safety element includes landslides and sea level rise issues, so the Coastal Hazards Assessment needs to be completed prior to continuing work on that element. Commissioner Johnson agreed with holding two meetings a month.

Public Comment

None

VI. COMMISSIONER REPORTS

None

VII. STAFF REPORT

Parker advised that the Reinman rezone was just approved by the Coastal Commission 9-2.

VIII. FUTURE AGENDA ITEMS

- SB18 and AB52 Tribal Consultation Primer
- After-the-fact Permit Processing
- Tsunami Siren Update

IX. ADJOURNMENT

Adjourned at 8:19 pm. Next regularly scheduled meeting is August 19, 2020.

Submitted by:

Angela Zetter
Administrative Assistant

Approved by:

Cheryl Kelly
Planning Commission Chair

Re: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

Dear Trinidad Planning Commissioners,

As a Trinidad resident who walks the trails, I am writing to oppose the City of Trinidad's proposed Coastal Development Permit (CDP) to allow for the "temporary" closure of the Van Wycke Trail (VWT).

I am opposed to this trail closure for many reasons and I support the letters of opposition from Kim Tays and Ted Pease in full. I have also discussed this proposed closure with other residents in town who also oppose it and used the trail regularly prior to the (arbitrary) snow fence barrier installation this past Spring.

The Trinidad City Manager arbitrarily and illegally closed the Van Wycke trail over a year ago without any public meeting or input from residents, the California Coastal Commission or the City's Trails committee. His actions clearly violated laws and unfairly eliminated any public opportunity to appeal his decision for an entire year. This trail is well used by many residents and others who are comfortable using it, **as it is**, including myself. This trail has been posted "use at your own risk" for years and to my knowledge trail use has been without injury. Many other trails in town are in worse condition than this one, and have been the subject of injuries, yet this particular trail has been singled out for closure. Why is that?

The City has provided no ideas for alternatives other than to look for grants to fund repairs? This is the same situation that occurred with the CalTrans grant to repair this trail last year. When the CalTrans grant was obtained, and after the City spent years of staff time and money working on it, and in the end the project was determined that the proposed "repairs" were completely out of line with what was actually needed, or desired by the community. Then the project was revoked. The City's past practice of chasing grants to obtain funds and to **then** determine alternatives is backwards, and costs the residents of Trinidad greatly. A Coastal Development Permit of this nature, that has NO alternatives, is unacceptable and has been clearly stated by the Coastal Commission in this email statement below.

*"As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, **and what, if any alternatives exist to closing the trail.**" ~Tamara L. Gedik*

[Coastal Program Analyst](#)

[California Coastal Commission](#)

(Please see the complete email below from the Coastal Commission dated 8/26/2019.)

The temporary closure of this trail also appears to line up with the timelines for Prescriptive Rights action? This is of great concern and could perhaps cost us all our ongoing public access to this trail into the future. It appears that with prescriptive rights the trail must have been **in use** during the past five years to make this designation. This is a historic and well used trail despite its current condition and should be continued as such. Repost this trail with notice of "use at your own risk" as was the remedy to keep this trail open approximately 8 years ago.

I question the statements made that the use of the trail does further the damage, to an extent needed to make a closure. This same argument was used on the Wagner Street trail a few years back and those claims were determined to be unfounded. Where are the studies needed to make this claim? Where is the letter from the insurance company making the claim that the trail is unsafe? Why was there so little public information regarding the proposed closure?

All of the trails in town have issues for some users. They have no handrails down steps, some are hand over hand climbing up from the beach, they have uneven steps, they can be washed out at the bottom, and they have a variety of hazards with loose gravel, roots, etc. Most trails in Trinidad are similar, if not in worse condition. State Parks trails at Trinidad State beach and Agate State Beach, and many other locations are also in worse condition. But all of these trails are open to public access, rightfully by law and repairs are constantly made when they can be.

Coastal access is paramount. Closing trails in this manner without an alternative is unacceptable.

"California's coastal bluffs are dynamic, changing features of our coastline. Just because our coastal bluffs are eroding, slumping and shifting does not mean the trails along them should be closed. The toe of the Axel Lindgren Memorial Trail is treacherous, but the City is not closing that trail. I fear that the VWT is being closed, in part, because property owners do not wish to share the trail with the public. They wish to have that view and coastal bluff to themselves. This is a well-known problem in coastal California; where wealthy homeowners try to prevent the public from accessing public coastal trails along their properties and/or erect signs to make the public think that certain property is private when it is not; thus, discouraging the public's legitimate use of coastal trails." Kim Tays

Please accept this email as my OPPOSITION to the City's plans to issue a CDP to "temporarily" close the VWT indefinitely and without any alternatives. A plan for the Van Wyck Trail needs to be more fully analyzed, alternatives to full trail closure considered and research into Prescriptive Rights obtained.

Thank you,

Kathleen Lake
Trinidad Resident

----- Original Message -----

Subject: RE: Trinidad Trail Closure and Parking

From: 'Gedik, Tamara@Coastal' <Tamara.Gedik@coastal.ca.gov>

Date: 8/26/19 4:15 pm

To: 'tdavies@trinidad.ca.gov' <tdavies@trinidad.ca.gov>

Cc: 'Merrill, Bob@Coastal' <Bob.Merrill@coastal.ca.gov>

Hi Tom,

Thank you for contacting me. Bob did mention your inquiry and I believe he meant to respond so hopefully my response isn't duplicative- Bob please feel free to weigh in.

Regarding your question about the Van Wycke Trail, the posting of signs indicating the closure of any trail would constitute a change in the intensity of use of the trail requiring a coastal development permit (CDP). The City would have to demonstrate in its review of any proposed trail closure that the proposal would be consistent with the City's certified LCP and with the public access and recreation policies of the Coastal Act. As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, and what, if any alternatives exist to closing the trail. If the trail is described and/or depicted in the certified LCP and closure was intended to be permanent, then the closure would also most likely require an amendment to the certified LCP.

Regarding changes to parking areas, our staff has advised City staff in the past that "the change to the parking restrictions would require a CDP since it would result in a change in the intensity of use of that parking area. The Coastal Commission does routinely evaluate proposed changes to public parking throughout the state as it relates to potential impacts to the public's ability to access the coast consistent with the public access and recreation policies of the Coastal Act. It would be helpful to know as part of the City's analysis of the change, how it would affect traffic flow/circulation and visitor use (e.g., if folks were to access the area for more than 1 hour, would they need to park somewhere else, or move their vehicle?)."

If these developments have already occurred, we would encourage the City to process after-the-fact applications for CDPs; due to the location of both projects (between the sea and the first public road paralleling the sea, and within 300 feet of the coastal bluff), the projects would be appealable to the Coastal Commission.

Sincerely,

~Tamara L. Gedik

Coastal Program Analyst

California Coastal Commission

North Coast District Office

1385 8th Street, Ste. 130 • Arcata, CA 95521

E: Tamara.Gedik@coastal.ca.gov

P: 707.826.8950 • **Fax:** 707.826.8960

~To purchase a whale tail license plate or access Coastal Commission information, go to www.coastal.ca.gov



Gail Kenny
P. O. Box 361
Trinidad, CA 95570
gailgkenny@gmail.com

August 17, 2020

Trinidad City Council and Planning Commission
P. O Box 390
Trinidad CA 95570

RE: Van Wyke Trail

Dear Council Members and Planning Commissioners:

I am a regular user of trails in the City of Trinidad and surrounding area. I'm also on the Trinidad Trails Advisory Committee.

I am challenging the current temporary closure of the Van Wyke Trail. I understand that the City's insurance company said it needed to be closed due to the danger of the slide area of the trail.

There are several other trails that have similar slumping areas in them that are not closed. Some of the slide areas on the trails are trickier to navigate than the Van Wyke Trail. Two of these spots are the beach end of the two trails leading to Old Home Beach. The worst spot is the base of the Axel Lindgren Memorial Trail, and yet this trail is not closed.

On the next few pages are recent photos of 3 slide/slumping areas on City of Trinidad Trails and 2 on Trinidad State Park Trails. The only spot that is officially closed is the Van Wyke Trail.

I recommend that the insurance company that directed the Van Wyke Trail closure be challenged on the closure. The current trail just needs a step added in one spot that will make it easier to navigate. It would be a simple and cheap fix. The trail could remain open and the beam put in to fix the problem with the utilities and storm water drainage.

The cable steps at the beach end of the Axel Lindgren Memorial Trail has been in dire need of repair for more than three years. Please use the current year budgeted funds for trails maintenance to repair that as soon as possible.

Sincerely,



Gail Kenny



Van Wyke Trail slide area



Parker Creek, Old Home Beach end



Beach end of Axel Lindgren Memorial Trail



Trinidad State beach, access from beach near creek



Slide area on trail in Trinidad State Park like slide area on Van Wyke Trail

[Print](#) | [Close Window](#)**Subject: Public Comment for Trails Committee 8-18-20 and Planning Commission 8-19-20****From: Richard Bruce <rmbruce67@gmail.com>****Date: Tue, Aug 18, 2020 2:14 pm****To: City of Trinidad <cityclerk@trinidad.ca.gov>****Cc: "azetter@trinidad.ca.gov" <azetter@trinidad.ca.gov>**

Gabe- Please accept the following email as public comment for both the Trails Committee Meeting tonight 8-18-20 and the Planning Commission meeting tomorrow night 8-19-20.

Regarding the temporary closure of the Van Wycke Trail-

I am opposed to any decision that will lead to the permanent closure of the Van Wycke Trail. As over 40 year residents of Trinidad, my wife and I frequently use the Van Wycke Trail to avoid the heavy vehicular traffic along the Edwards Street corridor when accessing the harbor and beach areas. We, and all City residents that use the trail are **STAKEHOLDERS**, not just the surrounding property owners. If for liability reasons the City decides to "temporarily" close the trail I suggest that language be included in any closure resolution that affirms the City's right of way through the affected area with the goal of re-opening the trail once repairs or an alternate design are completed.

In addition I strongly urge both the Trails Committee and the Planning Commission to thoroughly investigate the feasibility of either a pre-fabricated pedestrian bridge, a re-purposed railcar bridge or other available alternatives to span the failing portion of the trail. At the 8-11-20 City Council meeting the GHD Engineering representative proposed the installation of an I-beam utility support structure to span approximately 50-100 feet in the affected area of the trail. When I asked what size support footings would be necessary (at either end) to support the I-beam he indicated that in "round numbers" approximately 3'x4'x6' footings would be required. If this is already going to be done to support the utility crossing, why not solve the pedestrian issue at the same time and install two I-beams side by side with the utilities underneath and a surface deck of either redwood or metal as a low cost, low impact alternative crossing? I'm sure there are other alternatives that might also be feasible. We need to keep this trail!

Regarding the permanent closure of the Galindo Trail- Based on the comments presented at last week's Council meeting it is my understanding that the proposal for closing the Galindo Trail is based mainly on protecting a Tsurai burial site either in or around the current trail location. I am sensitive to this situation and if it can be shown that the trail does cross the burial location I would support the closure of the trail. However I believe the City should continue to investigate the burial location before making this decision. One suggestion might be to collaborate with the appropriate department at Humboldt State University to see if a student project using non invasive techniques like ground penetrating radar (if available from HSU) be used to survey the trail and surrounding area. This could also provide the Tsurai Ancestral Society with the knowledge of where the grave site is actually located. If the grave location were determined to be outside the footprint of the existing trail it could be respectfully restored with a new "white picket fence" (or other culturally sensitive marking acceptable to the TAS) and the trail could remain open. Please consider this suggestion.

Respectfully,
Dick Bruce
780 Underwood Drive
Trinidad CA

Virus-free. www.avg.com

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[Print](#) | [Close Window](#)**Subject: FW: Clarification/Correction on Closure of Van Wycke Trail****From:** "Trinidad City Clerk" <cityclerk@trinidad.ca.gov>**Date:** Tue, Aug 18, 2020 2:22 pm**To:** "'Kimberly Tays'" <kimkat067@gmail.com>**Cc:** "Angela Zetter" <azetter@trinidad.ca.gov>

Hi Kim,

I was out yesterday, but will make sure your comments are forwarded to the PC and Trails Committee as requested. Sending to Angela Zetter who will see this through.

Gabe

From: Kimberly Tays <kimkat067@gmail.com>**Sent:** Monday, August 17, 2020 3:42 PM**To:** City of Trinidad <Cityclerk@trinidad.ca.gov>; Eli Naffah <citymanager@trinidad.ca.gov>**Cc:** Gedik, Tamara@Coastal <Tamara.gedik@coastal.ca.gov>; Merrill, Bob@Coastal <bob.merrill@coastal.ca.gov>**Subject:** Clarification/Correction on Closure of Van Wycke Trail

Hi Gabe,

Please forward this follow-up email to the Planning Commissioners for their 8-19-20 meeting and also to the Trails Committee for their meeting tomorrow night (8-18-20).

Thanks, Kim Tays

Dear Planning Commissioners:

It appears I am mistaken and that PARSAC **did** recommend closure of the Axel Lindgren Memorial Trail (ALM Trail) in its 2018 report.

The reason I was confused about PARSAC being arbitrary in its recommended closure of the Van Wycke Trail (VWT) and not the ALM Trail, is that the City (to my knowledge) has not tried to close the ALM Trail. A friend of mine recently hiked the ALM Trail and saw no barricades or any official warning signs about the hazardous conditions of the trail. Another reason I was under the impression that PARSAC did not recommend closure of the ALM Trail is because Mr. Naffah sent an email on July 15, 2020 to the City Council, Planning Commission and others (including me) saying the following: *On June 24, 2019, Kin Ong, the General Manager of PARSAC, visited the City. After a discussion in my office, he asked me to join him to see two areas of concern that needed attention. He took me to the Van Wycke Trail and identified that it needed to be closed with signage and a chain, rope or barricade. He also took me to the Axel Lindgren Memorial Trail and identified that proper warning signs needed to be posted. He said that he would send appropriate wording for the signage to Public Works. Kin made the call re: the trails, I did not.* [Emphasis added.]

Nowhere in Mr. Naffah's July 15, 2020 email did he mention anything about PARSAC's recommendation to close the ALM Trail—he only mentioned that Mr. Ong requested proper warning signs be posted on the ALM Trail, and he [Ong] would send the appropriate wording for the signage to Public Works. From Mr. Naffah's summary of his June 24, 2019 site visits with Mr. Ong, it sounded as if PARSAC had dropped its recommendation to close the ALM Trail.

I am not promoting the closure of the ALM Trail or VWT. I am merely questioning why the City is so focused on closing the VWT when PARSAC recommended closure of both trails in 2018.

It seems with issues as important as trails and coastal access, that staff should not only be considering PARSAC's recommendations, they should also be consulting with local Coastal Commission staff, as the mission of PARSAC (reducing liability/claims) conflicts with the Coastal Act's mission (protecting public/coastal access). In fact, the VWT has been barricaded for over a year now without the benefit of a CDP, effectively bypassing the public planning and appeal process.

And so I come back to question of why the City is selectively closing one trail over the other, and conveying the public's perception that the City is working to accommodate the wishes of adjacent homeowners who want to close the VWT to the public.

I apologize for this second email, but I needed to clarify my confusion re: what PARSAC recommended in its 2018 report and what Mr. Naffah summarized in his July 15, 2020 email.

Thank you, Kimberly Tays

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MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING

COMMISSION

WEDNESDAY, AUGUST 19, 2020 VIA WEBEX

I. CALL TO ORDER/ROLL CALL (6:06 pm)

Commissioners Present: Kelly, Johnson, Hopkins, Stockness

Commissioners Absent: None

City Planner Staff: Parker

City Staff: Zetter, Naffah

II. APPROVAL OF MINUTES

July 15, 2020

Modified sentence: "Commissioner Hopkins stated he believes the trail should be open with proper signage. ~~even if it increases the price of the City's insurance.~~" (page 4)

Motion (Stockness/Hopkins) to approve the July 15, 2020 minutes as amended. Passed (4-0). Passed unanimously.

III. APPROVAL OF AGENDA

No formal motion was made to approve the agenda. Approval by acclamation.

IV. ITEMS FROM THE FLOOR

R. Clompus (City Council member) asked if the City has a plan to increase the City's water resources. Parker advised staff have provided multiple suggestions, such as a new summer intake system and reported to the Council recently. Additionally, as the Trinidad Rancheria is moving forward with requesting water from the Humboldt Bay Municipal Water District other stakeholders should get involved as the process moves along.

V. AGENDA ITEMS

Discussion/Decision/Public Hearing/Action

1. Wilson 2018-07A: Amendment to a previously approved Lot Merger, Design Review, Use Permit and Coastal Development Permit, to construct a new 532 sq. ft., 1-story, 1-bedroom, secondary dwelling. The amendment eliminates the lot merger; the already constructed residence will be a primary dwelling and has its own septic system. No physical changes are proposed. Located at 33 Berry Rd.; APN: 515-331-049.

Staff report

City Planner Parker discussed the original project and approval, explaining that the applicant is requesting an amendment to the previously approved project. Parker explained that a lot merger is no longer necessary due to a new septic system being constructed for the new residence (rather than sharing one). The project has already been constructed. Additionally, the use permit findings are no longer necessary approve an accessory dwelling unit, since it will be on its own lot. The staff recommendation is to approve the amendment, with all of the conditions of approval

from the original project, with a modification to #5, requiring a deed restriction. All of the conditions have already been complied with, except for #5 and #1.

Commissioner Comments/Questions

Commissioner Johnson questioned if the Planning Commission needs to review the installation of a new septic system. Parker explained that while the California Coastal Commission requires all new septic systems and some repairs to acquire a Coastal Development Permit, in this case it would be included in the approval of this amendment.

Commissioner Stockness questioned if the deed restriction is recorded. Parker explained that that was the last outstanding condition from the previous approval; now that the project has changed, the wording of the deed restriction has also changed. Stockness also questioned if the driveway apron had been paved as required. Wilson, the applicant, advised that an apron has been paved.

Commissioner Kelly noted that she drove by the site and everything looks complete and as approved.

Public Comment

None

Commissioner Discussion

Commissioner Johnson requested that the word “merged” be deleted from condition #5 regarding the deed restriction. Parker agreed.

Motion (Kelly/Hopkins) based on the information submitted in the application, included in the staff report and public testimony at the hearing, the project, with the amended condition #5, is found to be consistent with the City’s LCP and other applicable regulations, and the Commission moves to adopt the information and Design Review, and other findings in this staff report and approve the project as amended and conditioned therein. Passed (4-0). Passed unanimously.

2. Trinidad 2020-01: Coastal Development Permit or the temporary closure of a portion of the Van Wycke Trail due to hazardous conditions. Located at the unpaved section of the Van Wycke Trail between Edwards Street and Galindo Street. *Continued from the July 15 meeting.*

Staff report

City Planner Parker stated the staff report is similar to the previous month’s, but based on the comments and questions raised at the last meeting, she included additional information regarding PARSAC’s request to close it, the status of the repair planning and access alternatives. She explained that the City is following the insurance company’s recommendation, and this is being done for public safety purposes while the City determines how to proceed with the repair of the trail. Parker went on to advise that repair is no longer an option with the Caltrans funding due to time limitations. She

also noted that while there has been discussion surrounding other trails that pose risks to users, this is the only trail PARSAC recommended closing.

Commissioner Comments/Questions

Commissioner Kelly summarized the comments made by Trail Committee members at their meeting the previous night. Comments were provided individually rather than as from the Committee due to a lack of quorum.

Commissioner Stockness questioned if there had been discussions with residents adjacent to the trail. City Manager Naffah confirmed that one meeting had taken place, noting that the closure is at the request of PARSAC, not the neighboring property owners as has been suggested.

Commissioner Johnson requested more information on the geologic and feasibility reports performed to help inform repair options, as mentioned on page 4 of 8 of the staff report. Parker discussed the project history, and advised that based on those earlier feasibility studies, a retaining wall was deemed the best option. However, additional Geotech borings and studies were planned in order to design it. But, because the City Council voted to abandon the retaining wall repair, the City is lacking new information.

Commissioner Stockness asked if the City still has grant money for the trail. Parker confirmed that, yes, the City received an extension on the CalTrans grant, but the deadline is near, and a repair is not feasible in the timeline for the Caltrans grant, because it will require more public outreach and stakeholder input. Stockness voiced her concern for users of the trail.

Commissioner Hopkins asked if a bike and walking corridor is possible. Parker advised that the original proposal was to have a bike and pedestrian corridor and have it paved, but there was opposition because it was too “urban” for the area. Thus, bike improvements for cyclists were moved to Edwards. Hopkins questioned if the City could get creative with a less invasive repair. Parker explained that the City will be exploring various options. Regardless, the repairs can’t be accomplished under the Caltrans grant due to quickly approaching deadlines.

Kelly discussed her experience with trails in City limits and suggests several areas that require repair. Kelly suggests the City step up trail maintenance in general. Stockness discussed potential repairs.

Public Comment

Written comments were received from G. Kenny (Trinidad), K. Lake (Trinidad), T. Pease (Greater Trinidad Area), and K. Tays (Arcata) in opposition to the temporary closure.

M. Gottschalk (Trinidad) explained that he wants better barriers on the trail so people don't just walk around. Additionally, he noted that the Tsurai Ancestral Society want to have a scoping meeting.

J. Beaupre (Trinidad) via Webex chat stated he wants the Van Wycke Trail to remain open. However, he advised that "Use at Your Own Risk" and "Do Not Trespass" signs should be posted at the location. He stated that Edwards Street should not be used by pedestrians, due to the safety hazards it poses to users. He mentioned vegetation overgrowth on the sidewalks.

B. Kenny (Trinidad) stated the Van Wycke Trail is not very different from other trails in town, so the City needs to have another conversation with PARSAC before closing the trail. Kenny advised the City can perform low impact repairs to make the trail reasonably safe. He also opined that the risk is being overblown and that PARSAC will not want to lose the City as a customer.

D. Bruce (Trinidad) stated he is opposed to anything that would lead to a permanent closure of the trail. He advised he wants to see the trail fixed, as it is safer than using the Edward Street corridor.

S. Laos (Trinidad Rancheria) stated she recommended starting a conversation with PARSAC, and soon. She also advised to those that are fearful of a permanent closure need to remember that this is only a temporary closure. She stressed that more steps will need to be taken before a permanent closure occurs.

Supervisor Madrone (5th District Supervisor) stated that he generally agrees with the comments made. He discussed his history with the Van Wycke Trail, and advised that the repairs he made had minimal costs. He noted that while the trail has dropped towards the beach, the repairs made were to hold back the material around the trail for access. He also stated that there may be potential in the future to secure easements in order to move the trail upslope. Madrone also discussed creating a healthy relationship with the Tsurai Ancestral Society. He offered his services to the City to draw up repair plans for free.

Commissioner Kelly questioned Supervisor Madrone if he is in favor of opening the trail. He responded advising that he would rather a repair be done instead of a temporary closure.

Commissioner Discussion

City Manager Naffah discussed PARSAC's 2018 Risk Assessment Report, and explained how the City is a part of an insurance pool and how they work. He also reiterated what occurred during the site visit with Ken Ong from PARSAC. Furthermore, Naffah advised that he is willingly to reopen discussions with PARSAC. He explained that he understands there is quite a bit of sentiment regarding the continued use of the Van Wycke Trail, but it should be clear that the City wants to repair the trail. Naffah stressed

that repairs take time, and that the CCC requires a CDP for temporary closure for repairs.

Commissioner Johnson questioned if a temporary repair to the trail would require a CDP. Parker stated that it is likely that any kind of repair will require a CDP. She also noted that permanent closure would require an LCP amendment and a CDP. Thus, it would require a major public process and several different approvals.

Johnson questioned if there was a time frame for complying with a closure, as the original risk assessment was done in 2018 and the site visit was done in 2019. Naffah clarified that the trail has been closed since mid-2019, shortly after the site visit.

Commissioner Stockness stated she wants the same sign used at the Axel Lindgren Memorial Trail to be used at the Van Wycke Trail. She stated she wants the trail to remain open, and for the City to work with Supervisor Madrone, so it can continue to be used.

Naffah reminded the Commission that the agenda item is regarding the CDP for the previous and continued temporary closure of the trail. He also noted that he will reach out to PARSAC, but he will not reopen the trail if they advise that the trail needs to remain closed. He stated he will not jeopardize the City. Additionally, he opined that the CCC wouldn't want the trail open in the condition it is in.

City Planner Parker suggested that the Commission and most members of the public are uncomfortable with the length of the closure. She posed the option of having a shorter time frame, with option(s) for extension. Commissioner Johnson opined that a two-year time frame presents an image that the City is taking our time, and he is reluctant to approve such a long closure.

Information obtained from Webex Chat:

Supervisor Madrone (5th District Supervisor) advised that he doesn't believe a CDP is required for maintenance. He offered to design maintenance actions for Public Works.

G. Kenny (Trinidad) questioned if a CDP is required for the time it has already been closed. Additionally, it can be repaired and reopened when the insurance company agrees it is safe.

Commissioner Discussion/Motion

Motion (Johnson/Hopkins) based on application materials and information included in the Staff Report, and based on public testimony, the Commission finds that the project is consistent with the City's certified LCP and other applicable regulations, and moves to adopt the information in this staff report and approve the project as described in this staff report, and as conditioned herein with the primary condition that the CDP be in effect for another 6 months. Passed (4-0). Passed unanimously.

3. Water Shortage Contingency Plan: Continued discussion of a draft Water Shortage Contingency Plan.

Staff report

City Planner Parker stated that she has started filling in more sections and details for the Water Shortage Contingency Plan (WSCP). She advised that a fair amount of the language was taken from Santa Cruz's plan (chapter 3) but acknowledged that there are some gaps. One of the gaps that warrants more discussion are the roles and responsibilities of City staff. Additionally, she advised that she added background information regarding the City's water system, as well as information regarding exceptions, appeals, enforcement, and penalties. Parker explained that the City has an existing water rationing ordinance, but it will need to be updated.

Parker also discussed the section on public education and outreach, stating she has included mostly information and ideas regarding various methods. Parker added that RVS, the City's water system software, may play an important role for public outreach and monitoring use depending on its capabilities, which staff are researching. RVS could play an important role in monitoring and enforcement. However, she added that before implementation, the City needs to evaluate what the most effective tool for Trinidad would be.

Parker explained that in the WSCP she had developed 5-6 drought stages. Parker discussed how the first stage would require voluntary conservation, then moving onto conservation being required when the City drops below its baseline, and then mandatory rationing for higher stages. She added that the Planning Commission has looked at various options for rationing and conservation and she would like the Commission to advise her on what methods are most appropriate for Trinidad. Parker went on to summarize some of the rationing methods, enforcement, penalties and appeals that have been added to the WSCP.

A discussion surrounding rate increases occurred, including the legal parameters.

Commissioner Comments/Questions

Commissioner Stockness complimented staff on the WSCP. She also stated that there is an immediate need for a long-term storage and discussed the need for a water committee. Naffah discussed composition of a water committee, and explained how recommendations to the City Council made by the Planning Commission will be key to guiding them in their decisions. Stockness opined that the City is presently in a drought, so she recommended that the City begin public outreach and education now. Stockness also suggested having Administrative Assistant Zetter be a part of the water committee, as she would serve as a resource for public outreach and education. Commissioner Kelly agreed with Stockness.

Commissioner Hopkins suggested that the stages need better definitions and explanations of what they mean and opined that storage is key. Commissioner Kelly agreed. Parker explained that staff could likely come up with pretty good criteria, but

those should be revised as the City gets more information, particularly from monitoring flows on Luffenholtz. Parker then advised that stage one would be based on the fact that the City is in a below normal water year, and the following stages would be based on the flows at Luffenholtz and pumping capacity at the plant.

Johnson briefly mentioned that, with respect to background information, an option would be to include appendices with additional detail. He complimented staff on the organization of the material. He also opined that it might be useful for the Westhaven Community District to review the WSCP.

Johnson also suggested the *Declaration of Water Shortage* on page 2 of 11 be streamlined to avoid delays in the process. He stated the summary chart for Mendocino was well put together, and it provided a good framework of the City's intentions. Additionally, he opined that composing a flow chart to give users an idea of the enforcement process could prove to be useful. He also advised that, per past recommendations, fine and penalty should not be added to plans, rather, they should be set by resolutions. With respect to the appeals, baseline use should be appealable.

Kelly opined the simpler the better. Additionally, she added that in *Table 1: Water Supply Shortage Stages and Conditions*, a column for public education and outreach could be added. This column would document what type of communication would be used for each stage.

Public Comment

R. Clompus (City Council member) complimented staff on the detailed report. He advised there is a method to measure flow in the creek and suggested looking into electronic water meters to minimize delay. He noted that while the water contingency plan is good, the City also need to be working toward increasing the water supply. He opined that the City needs to look beyond Luffenholtz as the sole water supply.

Commissioner Kelly responded that the Planning Commission did recently provide a report to the Council that explored some of the options.

S. Madrone (5th District Supervisor) complimented staff on the detail of the report. He promoted individual rain collection water tanks and discussed timing for preparation for declaring stages. He promoted entering into Stage 1 now, since the area is experiencing drought and creek levels are dropping.

Commissioner Discussion

Commissioner Kelly questioned if it needs to be brought to the City Council before declaring Stage 1. City Manager Naffah stated if the Planning Commission wants to make the recommendation, he can present it to the Council.

Commissioner Johnson opined that while the City may not have empirical evidence, based on past experience and history, the City is in a position where it knows conservation needs to begin. Kelly stated obtaining flow data is important.

City Planner Parker explained that obtaining an accurate flow measurement when the creek is so low is not an easy feat, but she understands it is currently being monitored. Additionally, the City cannot declare Stage 1, because the plan is not yet in place. However, she advised that the City does have a rationing and conservation system in place, which the Council can implement.

Commissioner Hopkins questioned what was done during the 2016 drought. Parker explained that the City did declare a drought and institute conservation measures based on the state's requirements.

Parker requested the Commission examine the water toolkit and come prepared with questions and suggestions.

Motion (Kelly/Hopkins) request the City Council to adopt resolution 2015-02 to declare a potential water shortage. Passed (4-0). Passed unanimously.

4. Trails Policy: Continued discussion regarding the draft Trails Policy that was developed and recommended by the Trinidad Trails Committee. *Continue at the September 16th meeting.*

Commissioner Johnson noted it will be useful to look at the General Plan and ordinances. He emphasized that existing rules/policies need to be separate from proposed ones.

VI. COMMISSIONER REPORTS

Commissioner Stockness stated traffic signs are needed in town, as there was recently an incident with a semi-truck on View street. She opined that it should be addressed in the General Plan.

VII. STAFF REPORT

Discussed choosing a date for the Tribal Consultation Meeting and a special meeting to discuss the general plan update.

VIII. FUTURE AGENDA ITEMS

- SB18 and AB32 Tribal Consultation Primer
- After-the-fact Permit Processing
- Tsunami Siren Update
- General Plan Update: Consider scheduling a special meeting the first week of September

IX. ADJOURNMENT

Adjourned at 8:52 pm. Next regularly scheduled meeting is September 16, 2020. Special meeting scheduled for September 2nd at 5:00 pm.

Submitted by:

**Angela Zetter
Administrative Assistant**

Approved by:

**Cheryl Kelly
Planning Commission Chair**



DISCUSSION AGENDA ITEM

SUPPORTING DOCUMENTATION ATTACHED

4. Discussion/Decision regarding Proposition 68 Coastal Resilience Planning Grant.

Discussion AGENDA ITEM

Date: November 11, 2020

SUBJECT: PROP 68 COASTAL RESILIENCE PLANNING GRANT

On October 13, the City Council reviewed a proposal for the *Trinidad Community Coastal Resilience Planning Project* and directed staff to develop a full proposal for Prop 68 grant funding. As a reminder, the City was invited to submit a full application to the Ocean Protection Council for a Prop 68 Coastal Resilience Grant.

For many years, the City has been working to identify and address ongoing issues along Van Wycke and the bluff. The north section of Van Wycke “Street” below Edwards has utilities and a trail that have been impacted by slumping that has continued and worsened over a number of years. Saturation and instability of the bluffs and erosion at the beach on the south and west sides of Trinidad have led to a number of interrelated impacts to trails, utilities, natural and cultural resources, infrastructure and beach access. Stakeholders and the public have diverse and sometimes conflicting ideas about how to address the issues.

This Coastal Resilience Grant Program provides a great opportunity for the City of Trinidad to engage with stakeholders and the public in a planning process that doesn't start with solutions, but considers the situation in a community discussion of issues and concerns, then identifies appropriate solutions that have community support.

Task #	Task Name	Budget	Timeline
1	Grant Administration and Project Management	\$23,000	Mar 2021 - Feb 2024
2	Public Engagement & Partnerships\	\$82,000	Mar 2021 - Jan 2024
	Community & partner outreach – inform & invite participation		Mar 2021 - Jun 2021
	Refine and implement public engagement plan		Mar 2021 - Jun 2021
	Partner Support & Technical Assistance -		Apr 2021 – Jun 2023
	Engage community in coastal resilience planning		Jun 2021 - Jan 2023
3	Integrated Coastal Resilience Action Plan	\$190,000	Mar 2021 - Jan 2024
	Review, summarize documents, studies, etc...		Mar 2021 - Jun 2021
	Limited studies to fill identified data gaps (e.g. monitoring)		May 2021 – May 2022
	Identify preliminary feasible options		Jun 2021 - Nov 2021
	Public meetings and input		Jun 2021 - Jan 2024
	Integrate community input and refine options		Jan 2022 - Nov 2022
	Prioritize adaptations		Dec 2022 - Jun 2023
	Finalize Plan		Jul 2022 - Dec 2023
4	Develop Concept Designs and Implementation Measures	\$140,000	Mar 2021 -Jan 2024
	Total Prop 68 grant funding to be requested	\$435,000	
	Match: Temp utility repairs & USDA for permanent utility repairs	\$68,000	

A lot of groundwork has been laid by the Council, staff and community that enables the City to propose a Community based Coastal Resilience Planning Project. This proposed planning project responds to public input received by the City Council about coastal access, critical infrastructure and protection of cultural resources. More than a couple Council meetings have included discussions about the bluff, critical infrastructure, cultural and natural resource protection and trails. Through meeting presentations and email messages, staff has reached out to community

members and potential partners to inform them about the project, solicit input and invite their participation in the project.

The Project will incorporate information and findings from relevant studies and reports, including:

- *Trinidad Climate Change Vulnerability Report*. 2016. GHD
- *Geotechnical & Groundwater Analyses*. 2013 & 2018. GHD
- *Coastal Geologic Hazard Evaluation, City of Trinidad*. October 2019. SHN.

The project supports implementation of regionally and City approved plans, including:

- *Local Hazard Mitigation Plan*. 2018. County of Humboldt/City of Trinidad
- *Tsurai Management Plan*. 2007. Yurok Tribe Environmental Program.

The proposed project is essentially the same as the proposal pre-application provided to Council at the October meeting. The primary difference is that a task will be added to continue the coastal hazards planning that was started under a grant from the Coastal Commission, which integrates well with other grants tasks and will be used to develop policies and implementation measures to be incorporated into the City's Local Coastal Program update. Based on feedback from community members, the project will propose limited collection of data to fill information gaps identified during summary of the existing data and information. The Trinidad Bay Watershed Council has offered to host community meetings for coastal resilience planning, as well as to assist with information dissemination and outreach through their website and watershed newsletters.

Staff has presented the proposed project and invited feedback at the California Coastal National Monument Trinidad Gateway Committee meeting and Trinidad Bay Watershed Council meeting. Letters inviting input and participation have been sent to the Trinidad Rancheria, Yurok Tribe, Tsurai Ancestral Society, Board of Supervisors, Coastal Commission, Coastal Conservancy, State Parks, Marine Lab, California Sea Grant, Trinidad Coastal Land Trust, Humboldt MPA Collaborative and Trinidad Bay Watershed Council.

Staff Recommendation:

- Accept public input on the proposal.
- Direct staff to submit a full proposal for the Coastal Resilience Planning Grant Program, due on November 13, 2020

Alternatives to Staff Recommendation:

- Direct staff not to submit the grant proposal.

Attachments:

- Prop 68 Grant Guideline pp 5, 16-19. The full guidelines are available at <https://www.opc.ca.gov/prop-68-funding/>

1.4 OPC's Priorities for Proposition 68 funding

OPC's funding priorities are articulated in in §35650(b)(2) of the California Ocean Protection Act⁴ and support projects that have a nexus to ocean and coastal health and achieve the following:

- Prepare for and minimize the harmful impacts of climate change by providing funding for adaptive management, planning, coordination, monitoring, research, and other necessary activities on a local, regional, and statewide scale to minimize the adverse impacts of climate change on California's ocean ecosystem.
- Promote the long-term health of coastal and marine ecosystems and sustainability of marine fisheries in order to protect California's living marine resources and the communities that rely upon them.
- Reduce the negative impacts of land-based activity, including pollution, on coastal and marine ecosystems and the state's coastal and ocean economy by improving management, conservation, and protection of coastal waters and ocean ecosystems.
- Develop innovative technology and tools and provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources.
- Inform adaptive management of California's Marine Protected Area Network
- Serve disadvantaged and severely disadvantaged communities through involving them in management of all aspects of their coastal and ocean resources. OPC will consult with local community and environmental justice representatives, Tribes, and other frontline community members to ensure that OPC's Prop 68 funds for disadvantaged communities are going toward their most urgent or critical needs relating to ocean and coastal management. Projects that serve disadvantaged and severely disadvantage communities may include, but are not limited to; providing equitable access to the ocean and coast; supporting local efforts to plan for and adapt to climate change impacts such as sea level rise and ocean acidification; building awareness and opportunities for community members to connect to California's world-renowned marine protected areas; increasing community capacity to receive Prop 68 funding and manage local ocean and coastal resources; reducing plastic litter and other sources of contamination at their source; and building awareness and opportunities for community members to participate in community-led marine science efforts.
- Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection and conservation of those resources.

To achieve the priorities listed above, the types of tools and projects that will receive OPC's Prop 68 investments will include, but not be limited to: scientific research and monitoring, including innovative tools or technology, that directly addresses state management or policy needs; restoration or other on-the-ground projects that improve ecosystem health and water quality; planning and/or implementation projects that advance climate adaptation and resiliency; and projects that provide access to the coast through infrastructure, citizen science opportunities, and education. OPC will provide more detailed information on specific funding priorities in its solicitation for proposals.

⁴ <http://www.opc.ca.gov/california-ocean-protection-act/>

Section 5. Evaluation Criteria

5.1 Evaluation Criteria and Scoring for Proposals

All projects will be evaluated by the following evaluation criteria, in addition to the relevant category-specific criteria starting on page 18; however, only competitive solicitations will be scored. Additional scoring criteria may be included in the solicitation. Scoring information on all proposals will remain confidential.

SCORING CRITERIA FOR PROPOSALS	
Criteria	Points
<u>Clarity and Articulation, Sound Approach</u> Includes complete, reasonable and well thought out proposal elements, including proposed scope of work (3 points), budget (3 points), and schedule (3 points).	9
<u>Project Management and Readiness</u> Applicant demonstrates capacity to execute project, including <ul style="list-style-type: none"> Applicant demonstrates appropriate and necessary partnerships to complete the project. The applicant shows that it can hire or contract with experienced scientific staff in an area of specialty that would improve the potential success of the underlying proposal. (2 points) Applicant has existing infrastructure or administrative capacity, either in-house or through partnerships, to develop, manage and implement the project successfully. (2 points) Applicant has identified any permits or CEQA review that may be necessary to complete the project, provides proof that those permits and CEQA documents are already obtained/complete, and lays out a clear and reasonable approach and timeline to receive permits and complete CEQA if they are not already acquired. If the project does not require permits or CEQA review, the applicant must provide sound reasoning to support the assertion that no permits are needed. (2 points) 	6
<u>Alignment with Prop 68</u> <ul style="list-style-type: none"> Applicant demonstrates how the project will advance the intent behind Prop 68, as described in the findings and declarations in PRC §80001(a), including, but not limited to how the project will connect Californians with natural coastal landscapes. 	8
<u>Alignment with California's Climate Policies</u> Climate change is affecting the coast of California and has the potential to limit the success of projects funded by OPC, if not taken into consideration. Applicant describes how they have considered climate impacts and risks in the design or development of their project, and how their project is resilient to those impacts. For example, applicant identifies: <ul style="list-style-type: none"> Specific adaptation strategies and specific actions to remedy identified climate-related vulnerabilities and impacts. How the project may provide or inform resilience benefits, or help ocean and coastal ecosystems to adapt to climate change, including which recommendations from the 2018 Safeguarding California Plan the project works to implement 	3

<ul style="list-style-type: none"> How the project may generate GHG emission reductions or carbon sequestration benefits 	
<p><u>Multi-benefits</u></p> <p>Applicant demonstrates how the proposed project addresses multiple issues of priority to OPC, as described in Section 1.4. (6 points)</p>	6
<p><u>Informing Management</u></p> <p>Applicant identifies how any research or project proposed would inform or enable the state to better manage ocean and coastal ecosystems and resources, including whether the project would develop innovative technology and tools and/or provide needed monitoring or scientific data (6 points)</p>	6
<p><u>Disadvantaged Communities</u></p> <p>Applicant clearly explains how the project serves disadvantaged or severely disadvantaged communities, as described in Section 2.7. Applicant provides the distance between the project and a disadvantaged or severely disadvantaged community and describes and justifies how the community is served by the proposed project, including any opportunities the project provides for workforce education and training, or contractor or job opportunities (8 points max).</p> <ul style="list-style-type: none"> Project serves a disadvantaged community (6 points) Project serves a severely disadvantaged community (8 points) 	8
<p><u>Alignment with OPC's Technical Assistance Requirements</u></p> <p>Applicant demonstrates how the proposed project will provide a disadvantaged community with technical assistance as described in the solicitation, (3 points) which includes, but is not limited to:</p> <ul style="list-style-type: none"> Capacity building to complete OPC's Prop 68 grant applications; Technical expertise to support project planning and implementation; Education for disadvantaged communities consistent with the purposes of OPC's Prop 68 funding. 	3
<p><u>Effectiveness and Innovation</u></p> <ul style="list-style-type: none"> Has a clear and reasonable method for measuring and reporting project effectiveness (3 points) Employs innovative methods or technologies or improves upon proven methods or technologies to improve how the state manages ocean and coastal resources. (2 points) 	5
<p><u>Methodology</u></p> <p>Is consistent with best available science. Applicant demonstrates how relevant science used is up-to-date and appropriate for projects for the specific topic, as well as the feasibility of proposed work.</p> <ul style="list-style-type: none"> Contains technical/scientific merit (2 points) Project completion is feasible in the timeframe and with the budget requested (2 points) Determining project effectiveness is feasible and project has a high likelihood to fulfill its stated goals and objectives (2 points) 	6

<u>Community Support</u> Has both local community support and greater than local interest. <ul style="list-style-type: none"> • Project has local community support, as demonstrated by the submittal of letters of support with the application (2 points) • Project also has support from outside of the project area, as demonstrated by submittal of letters of support with the application (2 points) • Applicants submit a community engagement plan that includes how applicants and partner organizations have worked with community stakeholders to design the project, communicate about the project's results, or ensure long-term maintenance of the project. The community engagement plan should provide the information described in section 2.12 (4 points) 	8
<u>Partnerships</u> Applicant clearly identifies collaboration opportunities with government agencies, either in project implementation or to inform the state's ocean management, including Tribal Governments, the California Conservation Corps or Local Conservation Corps. (2 points) Applicant clearly identifies collaboration opportunities with conservation, science, or fishing organizations, and other partners. (2 points)	4
<u>Leverage</u> Project leverages private, federal or local funding sources. ¹²	3
Total possible points	75

ADDITIONAL SCORING CRITERIA FOR MARINE ECOSYSTEM PROPOSALS (CHAPTER 9 FUNDING)	
Criteria	Points
<u>Alignment with OPC Priorities for Chapter 9 funding</u> Applicant demonstrates how the proposed project advances OPC's priorities for its Chapter 9 funding, as described in Section 1.4, and the specific priorities outlined in the solicitation. Applicants should include how the project conserves, protects, or restores marine wildlife and health ocean and coastal ecosystems with a focus on the states' system of marine protected areas and sustainable fisheries. Proposals receive up to 18 points for the project's direct relevance to the priorities of OPC program areas listed below, and the specific priorities outlined in the solicitation: <ul style="list-style-type: none"> • Marine protected areas • Marine pollution • Sustainable fisheries 	18
<u>Alignment with OPC Program Key Documents</u> Applicant demonstrates how the project aligns with the relevant key documents of the appropriate OPC program, as applicable. (7 points) A list of relevant key documents will be included in the solicitation. ¹³	7
Total Possible Points	25

¹² Funds for completing an environmental review process such as CEQA are not considered matching funds.

¹³ For potential applicants' reference, a list of key documents with links is available in Appendix C of these grant guidelines.



BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT

825 5th Street, Suite 111, Eureka, CA 95501-1153
Telephone (707) 476-2390 Fax (707) 445-7299

Mayor Steve Ladwig

City of Trinidad

P. O. Box 390

Trinidad, CA 95570

sladwig@trinidad.ca.gov

To whom it may concern: As the Fifth District Supervisor for Humboldt County, where this project exists, I wish to express my strong support for the Trinidad Community Coastal Resilience Planning Project

The Project Goals are to Build community capacity and partnerships for coastal resilience, maintain coastal access, address critical infrastructure needs, and address bluff stability in context of local geology, cultural/natural resources and the built environment

The Project Scope includes Outreach and Engagement with local tribal entities, community members, partners and the public, a summary of existing information, lessons learned, input and information gaps, is a Community driven integrated coastal resilience action plan, and will include development of a conceptual plan for one to three identified priority projects.

This project meets Local and State priorities and goals including an Increase in local adaptive capacity to climate change; Fostering community awareness and encourage involvement in planning for the future; Analyze and mitigate runoff and saturation issues impacting the bluff and Tsurai Study Area; Address storm damage and relocate vulnerable critical infrastructure; Safeguard coastal and marine ecosystems (ASBS) and communities in the face of climate change; Advance equity across ocean and coastal policies and actions; Enhance coastal and marine biodiversity; and Support ocean health through a sustainable blue economy

This project will help our communities build upon many successful efforts implemented by our local Watershed Council. I represent Humboldt County for this area and have a 48 year background in natural resources management and can attest to the capabilities of the City of Trinidad to implement this work with all of its partners. With unstable bluffs surrounding Trinidad and premier trail and coastal access areas threatened with erosion this project is very much needed. This community will work together to implement timely and effective solutions.

Sincerely, Steve Madrone
5th District Supervisor



DISCUSSION AGENDA ITEM

SUPPORTING DOCUMENTATION ATTACHED

5. Annual Unmet Transit Needs Hearing.

DISCUSSION AGENDA ITEM

Tuesday, November 10, 2020

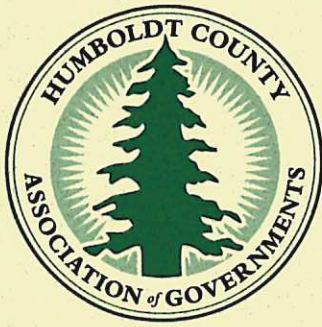
Item: **ANNUAL UNMET TRANSIT NEEDS HEARING**

Background: Each year HCAOG conducts citizen participation process to assess unmet transit needs within Humboldt County. The public is invited during this hearing to express their opinion, solutions, complaints, or suggestions regarding Humboldt County's public transportation systems and/or general unmet transit needs.

Recommended Action: Open the public hearing, receive comments, and forward to HCAOG.

Attachments:

- HCAOG summary letter.



HCAOG

*Regional Transportation
Planning Agency*

611 I Street, Suite B
Eureka, CA 95501
707.444.8208
Fax: 707.444.8319
www.hcaog.net

Members:

*City of Arcata
City of Blue Lake
City of Eureka
City of Ferndale
City of Fortuna
City of Rio Dell
City of Trinidad
County of Humboldt*

October 2, 2020

To: City Managers/County Administrative Officer
North Coast Tribal Transportation Commission
McKinleyville Municipal Advisory Committee
Manila Community Services District

From: Marcella May, HCAOG Executive Director 

Re: Unmet Transit Needs Process – Public Hearings

Every year, as established by the California Transportation Development Act (TDA), the Humboldt County Association of Governments (HCAOG) is required to conduct a citizen participation process to identify any “unmet transit need” (UTN) in the region. This process is required prior to allocations of TDA funding the following fiscal year. All comments deemed to meet the definition of an unmet transit need will then be analyzed to determine if the need is “reasonable to meet.” A summary of the process and the adopted definition and criteria used to determine if a need is reasonable to meet are provided in the attached document.

Due to the coronavirus pandemic, transit systems in the region lost an average of 70% of ridership. We would therefore like to include in this year’s discussion, the public’s view of returning to or using transit once the pandemic subsides and the stay at home order is lifted.

The HCAOG Board of Directors will hold a public hearing on Thursday, November 19, 2020. Though not required, we encourage your agency to also conduct a public hearing between the timeline of October 19th through the end of November. We also request that you forward us a record of all comments received.

Please provide your meeting date to Christie Smith at christie.smith@hcaog.net by **Tuesday, October 13, 2020**, to allow us to meet publishing and posting requirement deadlines. HCAOG will publish an ad in the either the Times Standard or the North Coast Journal which will include a schedule of all hearing dates and times. Either I or a member of HCAOG’s Social Service Transportation Advisory Council will join your meeting to provide information or answer any questions. Thank you for your assistance.

Enclosure

ec: City Clerks



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS
Regional Transportation Planning Agency
Humboldt County Local Transportation Authority
Service Authority for Freeway Emergencies
611 I Street, Suite B
Eureka, CA 95501
(707) 444-8208
www.hcaog.net

Citizen Participation Process for Assessing Unmet Transit Needs

Transportation Development Act

The Humboldt County Association of Governments (HCAOG) is responsible for allocating Transportation Development Act funds for public transportation services within the region. Each year the Unmet Transit Needs process is carried out to identify and evaluate any potential needs that are not being met through existing public transportation services. HCAOG is required to assess unmet transit needs prior to allocating any TDA funds for purposes *not* directly related to public transit.

The effects of the Coronavirus (Covid-19) has been detrimental to all transit agencies statewide. This year HCAOG would like to get feedback from the public on improvements that could be implemented to encourage ridership.

Public Process to Make a Finding

HCAOG's Social Services Transportation Advisory Council (SSTAC) leads the public participation process. Although only one public hearing is required, approximately ten public meetings are held to gather public suggestions. The SSTAC considers all public testimony and input, determines if the suggestions meet the adopted definition of an unmet transit need and applies adopted criteria to determine if the need is "reasonable to meet".

At the end of the process, the SSTAC will forward one of the following findings to the HCAOG board for consideration:

- (a) there are no unmet transit needs; or
- (b) there are no unmet transit needs which are "reasonable to meet"; or
- (c) there are unmet transit needs, including those that are "reasonable to meet"

Transportation Development Act funds must be allocated first to unmet transit needs, which are found to be reasonable to meet within a jurisdiction, before any remaining funds can be allocated for non-transit purposes, such as bicycle and pedestrian facilities or streets and roads.

Opportunities for Public Comment on Unmet Transit Needs

- Comments can be submitted online at: <http://hcaog.net/documents/unmet-transit-needs>
- Utilization of Social Services Transportation Advisory Council (SSTAC) members for information sharing among the community; and
- One of ten public meetings.
- Comment submittals by email or telephone: marcella.clem@hcaog.net/444-8208

UNMET TRANSIT NEEDS DEFINITION & REASONABLE TO MEET CRITERIA

Unmet transit needs are, at a minimum:

- (1) Trips requested from residents who do not have access to public transportation, specialized transportation, or private transport services or resources for the purpose of traveling to medical care, shopping, social/recreational activities, education/training, and employment; or
- (2) Proposed public transportation, specialized transportation, or private transport services identified in the following, but not limited to: a Transportation Development Plan, Regional Transportation Plan, Coordinated Public Transit–Human Services Transportation Plan.

HCAOG Plans can be found at: <http://hcaog.net/library>

Additionally, unmet transit needs do not include:

- ❖ Improvements funded or scheduled for implementation in the next fiscal year. Due to Covid-19, there are no new improvements funded or scheduled for the next fiscal year. Two potential new services that will be reevaluated this year are:
 - Express bus service between McKinleyville and Eureka during peak hours
 - Late Night Weekday Service on the Regional Transit System
- ❖ Minor operational improvements or changes such as bus stops, schedules, and minor route changes. Minor operational improvements are changes to service which do not affect the operating cost of the transit service either by requiring additional staff and/or additional vehicle hours of service or miles of service.
- ❖ Trips for primary or secondary school transportation
- ❖ Sidewalk improvements or street and road needs

Reasonable to meet criteria:

- (1) To be considered “reasonable to meet”, a service must be operationally feasible and financially sustainable, as defined below:
 - a) The service must have adequate roadways, and must be safe to operate.
 - b) Enough money should be available from identified sources of funding to pay for the marginal operating costs of the service continuously for three years.
- (2) The service must be projected to meet a minimum “marginal farebox-return-ratio” of 10 percent within 2 years. If multiple competing services are requested, other factors may also be considered such as estimated subsidy per passenger trip and passengers per vehicle hour of service. For new service, ridership and farebox-return-ratio thresholds will be considered.
- (3) Pursuant to the requirements of TDA Statutes (Public Utilities Code Section 99401.5c, a determination of needs that are “reasonable to meet” shall not be made by comparing unmet transit needs with the need for streets and roads, for the allocation of TDA funds.
- (4) Once a service is determined to be “reasonable to meet” and is implemented, it can be expected that the ridership in the first 1-2 years of the new service will be less than the projected optimal ridership. Ridership should be evaluated at 6-month intervals to determine if service is meeting performance standards adopted by the transit provider, and specifically, whether the service meets a minimum 10 percent marginal farebox-return-ratio. If the service is being adequately promoted and fails to be within 60 percent of the identified standards after six months, 90 percent with the first year, or 100 percent within two years, the service may be cancelled and deemed “no longer reasonable to meet.” An exception to this rule is when a community or group is willing to participate in sharing the ongoing cost of the new service.